

AGENDAS

2005 - 2008

**BOARD OF PRIVATE ALTERNATIVE ADOLESCENT RESIDENTIAL OR
OUTDOOR PROGRAMS**

Board Meeting

301 SOUTH PARK 4TH FLOOR

HELENA MT 59620

September 8, 2005

AGENDA

OPEN MEETING

9:00am – 5:00pm

**Americans with
Disabilities Act**

The Department of Labor & Industry is committed to providing meeting access through reasonable accommodation under the Americans with Disabilities Act. Please contact the Board office prior to the proposed meeting date for further information.

CALL TO ORDER:

9:00 a.m. to Adjournment

Board Members

Michele Manning
Representing Residential Adolescent Programs
(Large Size Programs)

Mary Alexine
Representing Residential Adolescent Programs
(Medium Size Programs)

Paul Clark
Representing Residential Adolescent Programs
(Small Size Programs)

Commissioner Carol Brooker
Public Member

Dr. Maureen Neihart
Public Member

DLI Staff

Cynthia Reichenbach, Program Manager
Lisa Addington, Healthcare Licensing Bureau Chief
Jeannie Worsech, Unit Supervisor
Anne O'Leary, Board Council

REVIEW OF AGENDA:

**APPROVAL OF
MINUTES:**

None. This is the Board's first meeting.

**PUBLIC COMMENT
STATEMENT:**

In accordance with 2-3-103(1), MCA, the Board will hold a public comment period. Please note that Open Forum is the public's opportunity to address the Board on any topic. While the Board cannot take action on the issues presented, the Board will listen to comments and may ask the issue be placed on a subsequent agenda for Board and possible action. The Chairperson of the Board will determine the amount of time allotted for public comment.

BUDGET/FINANCIAL:

Jeannie Worsech – SABHRS, State Accounting & Budgeting, Human Resource System

Enabling Legislative HB 628 and Fiscal Note

**NATIONAL, STATE, &
GENERAL
CORRESPONDENCE**

**Coalition Against
Institutional Child Abuse
(CAICA)**

Isabelle Zehnder (Cancelled)

**Montana Alternative
Adolescent Private
Programs (MAAPP)**

Report from MAAPP – Linda Carpenter, Treasurer

**The National Association
of Therapeutic Schools
and Programs (NATSAP)**

PROPOSED BOARD RULES

Fees

**REGISTRATION
APPLICATION
DRAFT REVIEW**

Survey Development

**COMPLAINT SCREENING
PANEL& ADJUDICATION
PANEL**

NONE. According to statute, the Board will not be processing complaints. Any complaints submitted to the Board office will be logged and maintained at the Board office if or until statute mandates procedure.

**BOARD MEETING
SCHEDULE:**

ADJOURNMENT:

**BOARD OF PRIVATE ALTERNATIVE ADOLESCENT RESIDENTIAL OR
OUTDOOR PROGRAMS
SURVEY QUESTIONS
COMMITTEE MEETING
301 SOUTH PARK 4TH FLOOR
HELENA MT 59620
October 3, 2005
AGENDA
OPEN MEETING
1:00am – 4:00pm**

**Americans with
Disabilities Act**

The Department of Labor & Industry is committed to providing meeting access through reasonable accommodation under the Americans with Disabilities Act. Please contact the Board office prior to the proposed meeting date for further information.

CALL TO ORDER:

1:00pm

Committee members

Paul Clark, Chair
Jacqueline Rutzke
Mickey Manning
Linda Carpenter
Gary Spaeth
Susan Fox
Tim Conley

DLI Staff

Cynthia Reichenbach, Program Manager
Jeannie Warsech, Unit Supervisor
Anne O'Leary, Board Council

Guests

Susan Fox, Legislative Branch Division

REVIEW OF AGENDA:

**PUBLIC COMMENT
STATEMENT:**

In accordance with 2-3-103(1), MCA, the Board will hold a public comment period. Please note that Open Forum is the public's opportunity to address the Board on any topic. While the Board cannot take action on the issues presented, the Board will listen to comments and may ask the issue be placed on a subsequent agenda for Board and possible action. The Chairperson of the Board will determine the amount of time allotted for public comment.

Designing the survey

**Identification of populations to survey.
Identification of information to be gathered.**

Internet or paper survey.

One survey or more?

Survey response incentives.

**Survey questions to
consider.**

Next meeting

Additional Committee Members

Collecting responses

Analyzing results

Follow-up meeting dates

ADJOURNMENT:

**BOARD OF PRIVATE ALTERNATIVE ADOLESCENT RESIDENTIAL OR
OUTDOOR PROGRAMS
Standard & Ethics Committee
COMMITTEE MEETING
301 SOUTH PARK 4TH FLOOR
Basement Conference Room
HELENA MT 59620
November 14, 2005
AGENDA
OPEN MEETING
4:00pm – 5:00pm**

**Americans with
Disabilities Act**

The Department of Labor & Industry is committed to providing meeting access through reasonable accommodation under the Americans with Disabilities Act. Please contact the Board office prior to the proposed meeting date for further information.

CALL TO ORDER:

4:00pm

Committee members

Maurine Neihart
Mary Alexine
Joyce Sterkel
Paul Clark

DLI Staff

Cynthia Reichenbach, Program Manager

Guests

REVIEW OF AGENDA:

**PUBLIC COMMENT
STATEMENT:**

In accordance with 2-3-103(1), MCA, the Board will hold a public comment period. Please note that Open Forum is the public's opportunity to address the Board on any topic. While the Board cannot take action on the issues presented, the Board will listen to comments and may ask the issue be placed on a subsequent agenda for Board and possible action. The Chairperson of the Board will determine the amount of time allotted for public comment.

**Review of Committee
Member Research**

State regulatory resources

Idaho
Oregon
Utah
Washington
Florida
Arizona
Nevada
North Carolina
New Mexico
Georgia
Massachusetts
Alabama

State Agency resources.

DPHHS

Others

MAAP
JCICS
NAATSAP

Conclusions

Report to the Full Board

Discuss perceptions about needs for standards
Determine next steps/action plan

Next meeting

ADJOURNMENT:

**BOARD OF PRIVATE ALTERNATIVE ADOLESCENT RESIDENTIAL OR
OUTDOOR PROGRAMS**

**Board Meeting
Lakeside Motel & Resort
Trout Creek, MT
November 16, 2005**

AGENDA

OPEN MEETING

11:00am – completion

**Americans with
Disabilities Act**

The Department of Labor & Industry is committed to providing meeting access through reasonable accommodation under the Americans with Disabilities Act. Please contact the Board office prior to the proposed meeting date for further information.

CALL TO ORDER:

11:00 A.M.

Board Members

Michele Manning
Representing Residential Adolescent Programs
(Large Size Programs)

Mary Alexine
Representing Residential Adolescent Programs
(Medium Size Programs)

Paul Clark
Representing Residential Adolescent Programs
(Small Size Programs)

Commissioner Carol Brooker
Public Member

Dr. Maureen Neihart
Public Member

DLI Staff

Cynthia Reichenbach, Program Manager
Jeannie Worsch, Unit Supervisor
Anne O'Leary, Board Council

REVIEW OF AGENDA:

MOTION:

**APPROVAL OF
MINUTES:**

September 8, 2005 Minutes.
Motion:

**PUBLIC COMMENT
STATEMENT:**

In accordance with 2-3-103(1), MCA, the Board will hold a public comment period. Please note that Open Forum is the public's opportunity to address the Board on any topic. While the Board cannot take action on the issues presented, the Board will listen to comments and may ask the issue be placed on a subsequent agenda for Board and possible action. The Chairperson of the Board will determine the amount of time allotted for public comment.

BUDGET/FINANCIAL:

C. Reichenbach, SABHRS, State Accounting & Budgeting

**NATIONAL, STATE, &
GENERAL
CORRESPONDENCE**

**Montana Alternative
Adolescent Private
Programs (MAAPP)**

**The National Association
of Therapeutic Schools
and Programs (NAATSAP)**

**PROPOSED BOARD RULES
Review of Public
Comments from the
October 26, 2005 rules
hearing.**

Anne O'Leary

MOTION:

COMMITTEE REPORTS

**Survey Committee
1:30PM**

Paul Clark
Tim Conley
Jacqueline Rutzke
Linda Carpenter
Mickey Manning
Gary Spaeth

MOTION:

**Ethics & Standards
Committee**

Maureen Neihart
Joyce Sterkel
Mary Alexine

MOTION:

**Registration Application
Draft Review**

Consideration of the responses by the public to the proposed rules and committee reports.

MOTION:

Site Visit Check List

**Schedule for Contacting
Programs – Staff & Board
member availability**

MOTION:

**Format for the report to
the Legislative Committee**

"Questions A Legislator Should Ask" pamphlet

MOTION:

**COMPLAINT SCREENING
PANEL& ADJUDICATION
PANEL**

NONE. According to statute, the Board will not be processing complaints. Any complaints submitted to the Board office will be logged and maintained at the Board office if or until statute mandates procedure.

**BOARD MEETING
SCHEDULE:**

**COMMITTEE MEETING
SCHEDULE:**

ADJOURNMENT:

**BOARD OF PRIVATE ALTERNATIVE ADOLESCENT RESIDENTIAL OR
OUTDOOR PROGRAMS
SURVEY QUESTIONS
COMMITTEE MEETING
Lakeside Motel & Resort
TROUT CREEK, MT.
November 16, 2005
AGENDA
OPEN MEETING
9:00am – 10:00am**

**Americans with
Disabilities Act**

The Department of Labor & Industry is committed to providing meeting access through reasonable accommodation under the Americans with Disabilities Act. Please contact the Board office prior to the proposed meeting date for further information.

CALL TO ORDER:

9:00am-10:00am

Committee members

Paul Clark, Chair
Tim Conley
Jacqueline Rutzke
Mickey Manning
Linda Carpenter
Gary Spaeth
Sue Weingartner

DLI Staff

Cynthia Reichenbach, Program Manager
Jeannie Worsch, Unit Supervisor
Anne O'Leary, Board Council

Guests

REVIEW OF AGENDA:

**PUBLIC COMMENT
STATEMENT:**

In accordance with 2-3-103(1), MCA, the Board will hold a public comment period. Please note that Open Forum is the public's opportunity to address the Board on any topic. While the Board cannot take action on the issues presented, the Board will listen to comments and may ask the issue be placed on a subsequent agenda for Board and possible action. The Chairperson of the Board will determine the amount of time allotted for public comment.

Final Review

**Questions from the
Standards & Ethics
Committee
Survey Presentation to the
P.A.P. board on
November 16, 2005
Site Visit checklist
discussion**

Next meeting

ADJOURNMENT:

**BOARD OF PRIVATE ALTERNATIVE ADOLESCENT RESIDENTIAL OR
OUTDOOR PROGRAMS
SURVEY QUESTIONS
COMMITTEE MEETING
Lakeside Motel & Resort
TROUT CREEK, MT.
December 1, 2005
AGENDA
OPEN MEETING
3:00pm – 5:00pm**

**Americans with
Disabilities Act**

The Department of Labor & Industry is committed to providing meeting access through reasonable accommodation under the Americans with Disabilities Act. Please contact the Board office prior to the proposed meeting date for further information.

CALL TO ORDER:

3:00pm

Committee members

Paul Clark, Chair
Jacqueline Rutzke
Mickey Manning
Linda Carpenter
Gary Spaeth
Sue Weingartner
Tim Conley

DLI Staff

Cynthia Reichenbach, Program Manager
Jeannie Worsch, Unit Supervisor
Anne O'Leary, Board Council

Guests

REVIEW OF AGENDA:

**PUBLIC COMMENT
STATEMENT:**

In accordance with 2-3-103(1), MCA, the Board will hold a public comment period. Please note that Open Forum is the public's opportunity to address the Board on any topic. While the Board cannot take action on the issues presented, the Board will listen to comments and may ask the issue be placed on a subsequent agenda for

Board and possible action. The Chairperson of the Board will determine the amount of time allotted for public comment.

**Survey cover letters
1 & 2**

**Site Visit
Checklist
Discussion**

Section 1: Welcome Aboard

Section 2: The Everyday Functions of your Program

Section 3: Contributions of Program Participants

Section 4: Community Involvement

Section 5: Other

Next meeting

December 15, 2005

ADJOURNMENT:

**BOARD OF PRIVATE ALTERNATIVE ADOLESCENT RESIDENTIAL OR
OUTDOOR PROGRAMS
FULL BOARD MEETING
301 SOUTH PARK AVE
Helena, MT.**

December 22, 2005 rescheduled for January 5, 2006

**AGENDA
OPEN MEETING
9:00am – completion**

**Americans with
Disabilities Act**

The Department of Labor & Industry is committed to providing meeting access through reasonable accommodation under the Americans with Disabilities Act. Please contact the Board office prior to the proposed meeting date for further information.

CALL TO ORDER:

9:00pm

Board members

Paul Clark, Chair
Mickey Manning
Mary Alexine
Carol Brooker
Dr. Maureen Neihart

DLI Staff

Cynthia Reichenbach, Program Manager
Jeannie Worsech, Unit Supervisor
Anne O'Leary, Board Counsel

Guests

Jacqueline Rutzke
Linda Carpenter
Gary Spaeth
Sue Weingartner
Tim Conley

**REVIEW OF AGENDA:
REVIEW OF THE
November 16, 2005
MINUTES**

**PUBLIC COMMENT
STATEMENT:**

In accordance with 2-3-103(1), MCA, the Board will hold a public comment period. Please note that Open Forum is the public's opportunity to address the Board on any topic. While the Board

cannot take action on the issues presented, the Board will listen to comments and may ask the issue be placed on a subsequent agenda for Board and possible action. The Chairperson of the Board will determine the amount of time allotted for public comment.

**Survey cover letters
1 & 2**

Survey Launch Date

**Site Visit
Checklist
Discussion
Board member
Resignation Procedure**

2-15-1745. Board of private alternative adolescent residential or outdoor programs. (1) There is a board of private alternative adolescent residential or outdoor programs.

(2) The board consists of five members appointed by the governor with the consent of the senate for 3-year terms. The members must include:

(a) three members from a list of nominees provided by programs, as defined in [37-48-102](#), of various sizes and types; and

(b) two members who must be from the general public.

(3) A vacancy on the board must be filled in the same manner as the original appointment.

(4) The board is allocated to the department for administrative purposes only as prescribed in [2-15-121](#).

History: En. Sec. 1, Ch. 294, L. 2005.

Next meeting

January 2006

ADJOURNMENT:

BOARD OF PRIVATE ALTERNATIVE ADOLESCENT RESIDENTIAL OR
OUTDOOR PROGRAMS

FULL BOARD MEETING

301 SOUTH PARK AVE, Basement Conference Room

Helena, MT.

January 26, 2006

AGENDA

OPEN MEETING

9:00am - 12:00pm

Americans with
Disabilities Act

The Department of Labor & Industry is committed to providing meeting access through reasonable accommodation under the Americans with Disabilities Act. Please contact the Board office prior to the proposed meeting date for further information.

CALL TO ORDER:

9:00 A.M.

Board members

Paul Clark, Chair
Mickey Manning
Mary Alexine
Dr. Maureen Neihart

By Conference Call:
Carol Brooker

DLI Staff

Cynthia Reichenbach, Program Manager
Anne O'Leary, Board Counsel

Guests

Jacqueline Rutzke
Linda Carpenter
Gary Spaeth
Tim Conley

REVIEW OF AGENDA:

MOTION:
Second By:
Discussion:
Vote:
Motion:

REVIEW OF THE MINUTES
January 5, 2006 meeting

MOTION:
Second By:
Discussion:
Vote:
Motion:

PUBLIC COMMENT
STATEMENT:

In accordance with 2-3-103(1), MCA, the Board will hold a public comment period. Please note that Open Forum is the public's opportunity to address the Board on any topic. While the Board cannot take action on the issues presented, the Board will listen to comments and may ask the issue be placed on a subsequent agenda for Board and possible action. The Chairperson of the Board will determine the amount of time allotted for public comment.

BUDGET/FINANCIAL:

C. Reichenbach, SABHRS, State Accounting & Budgeting

**NATIONAL, STATE, &
GENERAL CORRESPONDENCE**

Board Member Resignation
Update

Maurine Neihart

Montana Alternative
Adolescent Private Programs
(MAAPP)

Linda Carpenter

Program Participation in the
Survey

Tim Conley

Progress of Application
Registrations Received
Letter to Legislators

C. Reichenbach

Paul Clark

COMPLAINT LOG

C. Reichenbach

Site Visit Check List

Category review
History Letter from Mary Alexine
Schedule for Contacting Programs
Town Meetings
Staff & Board member availability

Format for the Report to the
Legislative Committee

"Questions a Legislator Should Ask" pamphlet

BOARD MEETING SCHEDULE:

COMMITTEE MEETING
SCHEDULE:

ADJOURNMENT:

BOARD OF PRIVATE ALTERNATIVE ADOLESCENT RESIDENTIAL OR
OUTDOOR PROGRAMS

FULL BOARD MEETING – Conference Call

301 SOUTH PARK AVE

Helena, MT.

April 6, 2006

AGENDA

OPEN MEETING

10:00am – 12:00pm

Americans with
Disabilities Act

The Department of Labor & Industry is committed to providing meeting access through reasonable accommodation under the Americans with Disabilities Act. Please contact the Board office prior to the proposed meeting date for further information.

CALL TO ORDER:

10:00pm

Board members

Paul Clark, Chair
Mickey Manning
Mary Alexine
Carol Brooker
Dr. Maureen Neihart

DLI Staff

Cynthia Reichenbach, Program Manager
Jeannie Worsech, Unit Supervisor
Anne O’Leary, Board Counsel

Guests

Jacqueline Rutzke
Linda Carpenter
Sue Weingartner
Tim Conley

REVIEW OF AGENDA:

REVIEW OF THE
January 26, 2006 MINUTES

PUBLIC COMMENT
STATEMENT:

In accordance with 2-3-103(1), MCA, the Board will hold a public comment period. Please note that Open Forum is the public’s opportunity to address the Board on any topic. While the Board

cannot take action on the issues presented, the Board will listen to comments and may ask the issue be placed on a subsequent agenda for Board consideration and possible action. The Chairperson of the Board will determine the amount of time allotted for public comment.

REPORTS

SABHRS

Applications Received

Site visit updates

Historical letter –
Mary Alexine
Linda Carpenter

MAAP

NATSAP National Meeting

Mary Alexine

Next meeting

ADJOURNMENT:

**MONTANA BOARD OF PRIVATE ALTERNATIVE ADOLESCENT RESIDENTIAL
OR OUTDOOR PROGRAMS**
Board Meeting-Conference Call
301 South Park Avenue
Helena, MT
June 15, 2006
AGENDA
OPEN MEETING
9:00am – completion

This agenda is subject to change up to 3 working days before the Board meeting. For the most accurate agenda, please consult the web site at <http://www.paarp.mt.gov>

Americans with Disabilities Act	The Department of Labor & Industry is committed to providing meeting access through reasonable accommodation under the Americans with Disabilities Act. Please contact the Board office prior to the proposed meeting date for further information.
CALL TO ORDER:	9:00 A.M.
Board Members	<p>Paul Clark, Board Chair Representing Residential Adolescent Programs (Small Size Programs)</p> <p>Michele Manning Representing Residential Adolescent Programs (Large Size Programs)</p> <p>Commissioner Carol Brooker Public Member</p> <p>Dr. Maureen Neihart Public Member</p> <p>Excused Absence Mary Alexine Representing Residential Adolescent Programs (Medium Size Programs)</p>
DLI Staff	<p>Cyndi Breen, Program Manager</p> <p>Jeannie Worsch, Unit Supervisor</p> <p>Anne O'Leary, Board Council</p>
REVIEW OF AGENDA:	MOTION:
APPROVAL OF MINUTES:	<p>April 12, 2006 Minutes.</p> <p>Motion:</p>

PUBLIC COMMENT STATEMENT:	In accordance with 2-3-103(1), MCA, the Board will hold a public comment period. Please note that Open Forum is the public's opportunity to address the Board on any topic. While the Board cannot take action on the issues presented, the Board will listen to comments and may ask the issue be placed on a subsequent agenda for Board and possible action. The Chairperson of the Board will determine the amount of time allotted for public comment.
BUDGET/FINANCIAL:	Jeannie Worsch, SABHRS, State Accounting & Budgeting Projections for 2007
NATIONAL, STATE, & GENERAL CORRESPONDENCE	
	Montana Alternative Adolescent Private Programs (MAAPP) Jacqueline Rutzke
	The National Association of Therapeutic Schools and Programs (NAATSAP)
	Pat Murdo, Legislative services for the Economic Affairs Committee. Receipt of the Boards final report.
COMMITTEE REPORTS	
Ethics & Standards Committee	Maureen Neihart Tim Conley
Format for the report to the Legislative Committee	"Questions A Legislator Should Ask" pamphlet
Site Visit updates	Staff & Board Members
Next scheduled visits	
BOARD MEETING SCHEDULE:	
COMMITTEE MEETING SCHEDULE:	
ADJOURNMENT:	

**MONTANA BOARD OF PRIVATE ALTERNATIVE ADOLESCENT
RESIDENTIAL OR OUTDOOR PROGRAMS
Board Meeting-Conference Call
301 South Park Avenue
Helena, MT
June 29, 2006
AGENDA
OPEN MEETING
9:00am – completion**

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Americans with Disabilities Act	The Department of Labor & Industry is committed to providing meeting access through reasonable accommodation under the Americans with Disabilities Act. Please contact the Board office prior to the proposed meeting date for further information.
CALL TO ORDER:	9:00 A.M.
Board Members	<p>Paul Clark, Board Chair Representing Residential Adolescent Programs (Small Size Programs)</p> <p>Michele Manning Representing Residential Adolescent Programs (Large Size Programs)</p> <p>Commissioner Carol Brooker Public Member</p> <p>Mary Alexine Representing Residential Adolescent Programs (Medium Size Programs)</p> <p>Absent -</p>
DLI Staff	<p>Cyndi Breen, Program Manager</p> <p>Jeannie Worsech, Unit Supervisor</p> <p>Anne O'Leary, Board Counsel</p>
REVIEW OF AGENDA:	MOTION:
APPROVAL OF MINUTES:	<p>June 15, 2006 Minutes.</p> <p>MOTION:</p>

PUBLIC COMMENT STATEMENT:	In accordance with 2-3-103(1), MCA, the Board will hold a public comment period. Please note that Open Forum is the public's opportunity to address the Board on any topic. While the Board cannot take action on the issues presented, the Board will listen to comments and may ask the issue be placed on a subsequent agenda for Board and possible action. The Chairperson of the Board will determine the amount of time allotted for public comment.
BUDGET/FINANCIAL:	Jeannie Worsech, SABHRS, State Accounting & Budgeting Projections for 2008 – 2009
NATIONAL, STATE, & GENERAL CORRESPONDENCE	
Montana Alternative Adolescent Private Programs (MAAPP)	Jacqueline Rutzke
Application Report	Board Staff
Trout Creek Town Meeting Summary	Board Staff
Site Visit Progress in the Flathead Valley	Board Staff
COMMITTEE REPORTS	
Ethics & Standards Committee	Mary Alexine
Final report Committee	Mickey Manning, Chair
BOARD MEETING SCHEDULE:	
COMMITTEE MEETING SCHEDULE:	
ADJOURNMENT:	

MONTANA BOARD OF PRIVATE ALTERNATIVE ADOLESCENT RESIDENTIAL
OR OUTDOOR PROGRAMS

Board Meeting-Conference Call

301 South Park Avenue

Helena, MT

July 14, 2006

AGENDA

OPEN MEETING

9:00am – completion

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Americans with Disabilities Act	The Department of Labor & Industry is committed to providing meeting access through reasonable accommodation under the Americans with Disabilities Act. Please contact the Board office prior to the proposed meeting date for further information.
CALL TO ORDER:	9:00 A.M.
Board Members	Paul Clark, Board Chair Representing Residential Adolescent Programs (Small Size Programs) Michele Manning Representing Residential Adolescent Programs (Large Size Programs) Commissioner Carol Brooker Public Member Mary Alexine Representing Residential Adolescent Programs (Medium Size Programs)
DLI Staff	Cyndi Breen, Program Manager Marilyn Kelly Clark, Unit Supervisor Anne O'Leary, Board Counsel Lisa Addington. Bureau Chief
REVIEW OF AGENDA:	MOTION:
APPROVAL OF MINUTES:	June 29 2006 Minutes. MOTION:

PUBLIC COMMENT STATEMENT:	In accordance with 2-3-103(1), MCA, the Board will hold a public comment period. Please note that Open Forum is the public's opportunity to address the Board on any topic. While the Board cannot take action on the issues presented, the Board will listen to comments and may ask the issue be placed on a subsequent agenda for Board and possible action. The Chairperson of the Board will determine the amount of time allotted for public comment.
BUDGET/FINANCIAL:	DLI Staff
NATIONAL, STATE, & GENERAL CORRESPONDENCE	
Montana Alternative Adolescent Private Programs (MAAPP)	Jacqueline Rutzke
Application Report	Board Staff
Trout Creek Town Meeting Summary	Board Staff
Site Visit Progress in the Flathead Valley	Board Staff
Discussion on Legislation Options	Paul Clark
COMMITTEE REPORTS	
Ethics & Standards Committee	Mary Alexine
Survey Committee	
Final Report Committee	Mickey Manning, Chair
BOARD MEETING SCHEDULE:	
COMMITTEE MEETING SCHEDULE:	
ADJOURNMENT:	

MONTANA BOARD OF PRIVATE ALTERNATIVE ADOLESCENT RESIDENTIAL
OR OUTDOOR PROGRAMS

Board Meeting-Conference Call

301 South Park Avenue

Helena, MT

July 31, 2006

AGENDA

OPEN MEETING

9:00am – completion

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Americans with Disabilities Act	The Department of Labor & Industry is committed to providing meeting access through reasonable accommodation under the Americans with Disabilities Act. Please contact the Board office prior to the proposed meeting date for further information.
CALL TO ORDER:	9:00 A.M.
Board Members	Paul Clark, Board Chair Representing Residential Adolescent Programs (Small Size Programs) Michele Manning Representing Residential Adolescent Programs (Large Size Programs) Commissioner Carol Brooker Public Member Mary Alexine Representing Residential Adolescent Programs (Medium Size Programs) Public Member Vacant
DLI Staff	Cyndi Breen, Program Manager Marilyn Kelly Clark, Unit Supervisor Anne O'Leary, Board Counsel Lisa Addington. Bureau Chief
Others	Jacqueline Rutzke

	Sue Weingartner Linda Carpenter Joyce Sterkel Roy Kemp
REVIEW OF AGENDA:	MOTION:
APPROVAL OF MINUTES:	June 29 2006 Minutes. MOTION:
PUBLIC COMMENT STATEMENT:	In accordance with 2-3-103(1), MCA, the Board will hold a public comment period. Please note that Open Forum is the public's opportunity to address the Board on any topic. While the Board cannot take action on the issues presented, the Board will listen to comments and may ask the issue be placed on a subsequent agenda for Board and possible action. The Chairperson of the Board will determine the amount of time allotted for public comment.
BUDGET/FINANCIAL:	DLI Staff
NATIONAL, STATE, & GENERAL CORRESPONDENCE	
Montana Alternative Adolescent Private Programs (MAAPP)	Jacqueline Rutzke
Application Report	Board Staff Mickey Manning
Site Visits & Town Meeting in the Flathead Valley	Board Staff & Board Members
Legislation	Paul Clark
COMMITTEE REPORTS	
SJ 35	Paul Clark Lisa Addington
Ethics & Standards Committee	Mary Alexine Linda Carpenter Joyce Sterkel
Survey Committee	

Final Report Committee	Mickey Manning Carol Brooker
BOARD & COMMITTEE MEETING SCHEDULE:	Thursday, August 10, 2006, 9:00am-11:00am, Friday, August 25, 2006, 9:00am-11:00am, Friday, September 8, 2006, 9:00am-11:00am, Tuesday, September 12, 2006, the Board will be making its presentation to the Economic Affairs Committee.
ADJOURNMENT:	

MONTANA BOARD OF PRIVATE ALTERNATIVE ADOLESCENT RESIDENTIAL OR
OUTDOOR PROGRAMS

Board Meeting-Conference Call

301 South Park Avenue

Helena, MT

August 10, 2006

AGENDA

OPEN MEETING

9:00am – completion

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Americans with Disabilities Act	The Department of Labor & Industry is committed to providing meeting access through reasonable accommodation under the Americans with Disabilities Act. Please contact the Board office prior to the proposed meeting date for further information.
CALL TO ORDER:	9:00 A.M.
Board Members	Commissioner Carol Brooker Public Member Michele Manning Representing Residential Adolescent Programs (Large Size Programs) Mary Alexine Representing Residential Adolescent Programs (Medium Size Programs) Paul Clark, Board Chair Representing Residential Adolescent Programs (Small Size Programs) Absent Public Member Vacant
DLI Staff	Cyndi Breen, Program Manager Marilyn Kelly Clark, Unit Supervisor Anne O'Leary, Board Counsel Lisa Addington. Bureau Chief
Others	Jacqueline Rutzke Sue Weingartner Linda Carpenter

	Joyce Sterkel Roy Kemp
REVIEW OF AGENDA:	MOTION:
APPROVAL OF MINUTES:	July 31, 2006 Minutes. MOTION:
PUBLIC COMMENT STATEMENT:	In accordance with 2-3-103(1), MCA, the Board will hold a public comment period. Please note that Open Forum is the public's opportunity to address the Board on any topic. While the Board cannot take action on the issues presented, the Board will listen to comments and may ask the issue be placed on a subsequent agenda for Board and possible action. The Chairperson of the Board will determine the amount of time allotted for public comment.
NATIONAL, STATE, & GENERAL CORRESPONDENCE	
Montana Alternative Adolescent Private Programs (MAAPP)	Jacqueline Rutzke
Application Report	Mickey Manning
COMMITTEE REPORTS	
Ethics & Standards Committee	Mary Alexine Linda Carpenter Joyce Sterkel
Survey Committee	
Final Report Committee	Mickey Manning Carol Brooker
BOARD & COMMITTEE MEETING SCHEDULE:	Friday, August 25, 2006, 9:00am-11:00am, Friday, September 8, 2006, 9:00am-11:00am, Tuesday, September 12, 2006, the Board will be making its presentation to the Economic Affairs Committee
ADJOURNMENT:	

MONTANA BOARD OF PRIVATE ALTERNATIVE ADOLESCENT RESIDENTIAL OR
OUTDOOR PROGRAMS

Board Meeting-Conference Call

301 South Park Avenue

Helena, MT

August 25, 2006

AGENDA

OPEN MEETING

9:00am – completion

This agenda is subject to change up to 3 working days before the Board meeting. For the most accurate agenda, please consult the web site at <http://www.paarp.mt.gov>.

Americans with Disabilities Act	The Department of Labor & Industry is committed to providing meeting access through reasonable accommodation under the Americans with Disabilities Act. Please contact the Board office prior to the proposed meeting date for further information.
CALL TO ORDER:	9:00 A.M.
Board Members	Commissioner Carol Brooker Public Member Michele Manning Representing Residential Adolescent Programs (Large Size Programs) Mary Alexine Representing Residential Adolescent Programs (Medium Size Programs) Paul Clark, Board Chair Representing Residential Adolescent Programs (Small Size Programs) Absent Public Member Vacant
DLI Staff	Cyndi Breen, Program Manager Marilyn Kelly Clark, Unit Supervisor Anne O'Leary, Board Counsel Lisa Addington. Bureau Chief
Others	Jacqueline Rutzke Sue Weingartner Linda Carpenter

	Joyce Sterkel Roy Kemp
REVIEW OF AGENDA:	MOTION:
APPROVAL OF MINUTES:	August 10, 2006 Minutes. MOTION:
PUBLIC COMMENT STATEMENT:	In accordance with 2-3-103(1), MCA, the Board will hold a public comment period. Please note that Open Forum is the public's opportunity to address the Board on any topic. While the Board cannot take action on the issues presented, the Board will listen to comments and may ask the issue be placed on a subsequent agenda for Board and possible action. The Chairperson of the Board will determine the amount of time allotted for public comment.
NATIONAL, STATE, & GENERAL CORRESPONDENCE	DLI Decision package for 2008-2009
Montana Alternative Adolescent Private Programs (MAAPP)	Jacqueline Rutzke
COMMITTEE REPORTS	
Ethics & Standards Committee	Mary Alexine Linda Carpenter Joyce Sterkel
Survey Committee	
Final Report Committee	Mickey Manning Carol Brooker
BOARD & COMMITTEE MEETING SCHEDULE:	Friday, August 25, 2006, 9:00am-11:00am, Friday, September 8, 2006, 9:00am-11:00am, Tuesday, September 12, 2006, the Board will be making its presentation to the Economic Affairs Committee
ADJOURNMENT:	

MONTANA BOARD OF PRIVATE ALTERNATIVE ADOLESCENT RESIDENTIAL OR
OUTDOOR PROGRAMS

Board Meeting-Conference Call

301 South Park Avenue

Helena, MT

September 8, 2006

AGENDA

OPEN MEETING

9:00am – completion

This agenda is subject to change up to 3 working days before the Board meeting. For the most accurate agenda, please consult the web site at <http://www.paarp.mt.gov>.

Americans with Disabilities Act	The Department of Labor & Industry is committed to providing meeting access through reasonable accommodation under the Americans with Disabilities Act. Please contact the Board office prior to the proposed meeting date for further information.
CALL TO ORDER:	9:00 A.M.
Board Members	Paul Clark, Board Chair Representing Residential Adolescent Programs (Small Size Programs) Commissioner Carol Brooker Public Member Michele Manning Representing Residential Adolescent Programs (Large Size Programs) Mary Alexine Representing Residential Adolescent Programs (Medium Size Programs) Public Member Vacant
DLI Staff	Cyndi Breen, Program Manager Marilyn Kelly Clark, Unit Supervisor
Others	Jacqueline Rutzke Sue Weingartner Linda Carpenter Joyce Sterkel Roy Kemp Anna Rau

REVIEW OF AGENDA:	MOTION:
APPROVAL OF MINUTES:	August 25, 2006 Minutes. MOTION:
PUBLIC COMMENT STATEMENT:	In accordance with 2-3-103(1), MCA, the Board will hold a public comment period. Please note that Open Forum is the public's opportunity to address the Board on any topic. While the Board cannot take action on the issues presented, the Board will listen to comments and may ask the issue be placed on a subsequent agenda for Board and possible action. The Chairperson of the Board will determine the amount of time allotted for public comment.
E-mail on State comparisons from DPHHS	
Report to the Children, Families & Health Committee	
COMMITTEE REPORTS	
Ethics & Standards Committee	Mary Alexine Linda Carpenter Joyce Sterkel
Survey Report	Tim Conley
Final Report Review	Mickey Manning
BOARD & COMMITTEE MEETING SCHEDULE:	Friday, September 8, 2006, 9:00am-11:00am Tuesday, September 12, 2006, the Board will be making its presentation to the Economic Affairs Committee
ADJOURNMENT:	

MONTANA BOARD OF PRIVATE ALTERNATIVE ADOLESCENT RESIDENTIAL OR
OUTDOOR PROGRAMS

Board Meeting-Conference Call

301 South Park Avenue

Helena, MT

September 27, 2006

AGENDA

OPEN MEETING

9:00am – completion

This agenda is subject to change up to 3 working days before the Board meeting. For the most accurate agenda, please consult the web site at <http://www.paarp.mt.gov>.

Americans with Disabilities Act	The Department of Labor & Industry is committed to providing meeting access through reasonable accommodation under the Americans with Disabilities Act. Please contact the Board office prior to the proposed meeting date for further information.
CALL TO ORDER:	9:00 A.M.
Board Members	Paul Clark, Board Chair Representing Residential Adolescent Programs (Small Size Programs) Commissioner Carol Brooker Public Member Michele Manning Representing Residential Adolescent Programs (Large Size Programs) Mary Alexine Representing Residential Adolescent Programs (Medium Size Programs) Public Member Vacant
DLI Staff	Cyndi Breen, Program Manager Marilyn Kelly Clark, Unit Supervisor Anne O'Leary, Board Counsel
Others	Jacqueline Rutzke Sue Weingartner Linda Carpenter Joyce Sterkel Roy Kemp

	Denise Ware
REVIEW OF AGENDA:	MOTION:
PUBLIC COMMENT STATEMENT:	In accordance with 2-3-103 (1), MCA, the Board will hold a public comment period. Please not that Open Forum is the public's opportunity to address the Board on any topic <u>that is not already on the agenda for this meeting</u> . While the Board cannot take action on the issues presented, the Board will listen to comments and may ask the issue be placed on a subsequent agenda for <u>possible action by the Board</u> . The Chairperson of the Board will determine the amount of time allotted for public comment.
APPROVAL OF MINUTES:	September 8, 2006 Minutes. MOTION:
RECAP OF REPORTS TO: -Children, Families, Health & Human Services Interim Committee -Economic Affairs Interim Committee	
Survey Report	Tim Conley
Ethics & Standards Committee continued work	
Final report	Amendments
Legislation	
Web page update	
Board Member Appointment	
What's next. Data collected Other information	
BOARD & COMMITTEE	

MEETING SCHEDULE:	
ADJOURNMENT:	

**MONTANA BOARD OF
PRIVATE ALTERNATIVE ADOLESCENT RESIDENTIAL OR OUTDOOR
PROGRAMS**

**OPEN BOARD MEETING
Department of Labor & Industry
301 South Park
Helena, MT
Basement Conference Room**

**December 29, 2006
9:00AM – Completion**

TENTATIVE AGENDA

This agenda is subject to change up to 3 working days before the Board meeting. For the most accurate agenda, please consult the web site at <http://www.paarp.mt.gov>

Americans with Disabilities Act	The Department of Labor & Industry is committed to providing meeting access through reasonable accommodation under the Americans with Disabilities Act. Please contact the Board office prior to the proposed meeting date for further information.
1. CALL TO ORDER	<p>Roll Call</p> <p>Paul Clark, Board Chair Representing Residential Adolescent Programs (Small Size Programs)</p> <p>Michele Manning Representing Residential Adolescent Programs (Large Size Programs)</p> <p>Mary Alexine Representing Residential Adolescent Programs (Medium Size Programs)</p> <p>Commissioner Carol Brooker Public Member</p> <p>Daniel Bidegaray Public Member</p>
DLI STAFF	<p>Anne O'Leary – Legal Counsel Cynthia Breen – Program Manager Marilyn Kelly-Clark – Unit Supervisor</p>

OTHERS PRESENT	
2. REVIEW OF THE AGENDA	Review of the December 29, 2006 agenda.
3. APPROVAL OF MINUTES	Review of the September 27, 2006 minutes.
4. PUBLIC COMMENTS STATEMENT:	In accordance with 2-3-103 (1), MCA, the Board will hold a public comment period. Please note that Open Forum is the public's opportunity to address the Board on any topic that is not already on the agenda for this meeting. While the Board cannot take action on the issues presented, the Board will listen to comments and may ask the issue be placed on a subsequent agenda for possible action by the Board. The Chairperson of the Board will determine the amount of time allotted for public comment.
5. BUDGET/FINANCIAL:	Review & approval of the budget.
6. LEGISLATION REVIEW	LC 1003, requested by Senator Jim Elliot LC 1004, requested by Senator Trudi Schmidt LC 1896, requested by Senator Greg Lind
7. COMMITTEE REPORTS	
ETHICS & STANDARDS	
8. DEMONSTRATION OF ELECTRONIC BOARD BOOKS	Paul Mickelson, DLI ITS staff.
9. BOARD MEETING SCHEDULE	
10. ADJOURNMENT	

**PRIVATE ALTERNATIVE ADOLESCENT RESIDENTIAL OR OUTDOOR
FULL BOARD MEETING
301 S. PARK AVENUE, HELENA, MT
BASEMENT CONFERENCE ROOM
APRIL 23, 2007
9:00AM - COMPLETION
OPEN AGENDA**

This agenda is subject to change up to 3 working days before the board meeting.
For the most accurate agenda, please consult the web site at www.paarp.mt.gov

AMERICANS WITH DISABILITIES ACT:

The Department of Labor and Industry is committed to providing meeting access through reasonable accommodation under the Americans with Disabilities Act. Please contact the Board office prior to the proposed meeting date for further information.

CALL TO ORDER:

Members Present:

Staff Present:

Others Present:

REVIEW OF AGENDA:

Review and approve:

APPROVAL OF MINUTES:

Review and approval of the December 29, 2006 Full Board Meeting

PUBLIC COMMENT STATEMENT:

In accordance with 2-3-103(1), MCA, the Board will hold a public comment period. Please note that Open Forum is the public's opportunity to address the Board on any topic that is not already on the agenda for this meeting. While the Board cannot take action on the issues presented, the Board will listen to comments and may ask the issue be placed on a subsequent agenda for possible action by the Board. The Chairperson of the Board will determine the amount of time allotted for public comment.

AGENDA ITEM #1

BUDGET/FINANCIAL:

AGENDA ITEM # 2

Highlights of HB 769

AGENDA ITEM # 3

Rule writing process overview

Licensure of facilities vs. licensure of individuals

AGENDA ITEM # 4

Unfinished business of HB 628

AGENDA ITEM # 5

Common ground of HB 628 & HB 769

AGENDA ITEM # 6

Proposed New Rules

A. Board Organization

B. Procedural Process

C. Definitions

D. General Provision Section

1. Fee schedule
2. Fee abatement
3. Application process
4. Address changes
5. Renewal

E. Licensing

1. Provisional license qualifications
2. Full license qualifications
3. Non-transferability
4. Change in program location
5. Posting of a license
6. Probationary license
7. Fees
8. Mandatory insurance provision
9. Licensure qualification
 - a. Personnel
 - b. Program description
 - c. Facility descriptions
 - d. Building codes
 - e. Security
 - f. Records maintenance
 - g. Nutrition – Food service
 - h. Drug maintenance
 - i. Fire codes
 - j. Bathrooms

F. Program criteria

1. Residential programs

2. Outdoor programs

7. Unprofessional conduct

1. Prior complaints

AGENDA ITEM # 7
Future board meetings

ADJOURNMENT:

**MONTANA BOARD OF PRIVATE ALTERNATIVE ADOLESCENT
RESIDENTIAL OR OUTDOOR
FULL BOARD MEETING
301 S. PARK AVENUE, HELENA, MT
4th FLOOR CONFERENCE ROOM
JUNE 21, 2007
9:45AM - COMPLETION
OPEN AGENDA**

This agenda is subject to change up to 3 working days before the board meeting.
For the most accurate agenda, please consult the web site at www.paarp.mt.gov

AMERICANS WITH DISABILITIES ACT:

The Department of Labor and Industry is committed to providing meeting access through reasonable accommodation under the Americans with Disabilities Act. Please contact the Board office prior to the proposed meeting date for further information.

CALL TO ORDER:

Members Present:

Staff Present:

Others Present:

REVIEW OF AGENDA:

Review and approve:

APPROVAL OF MINUTES:

Review and approval of the April 23, 2007 Full Board Meeting

PUBLIC COMMENT STATEMENT:

In accordance with 2-3-103(1), MCA, the Board will hold a public comment period. Please note that Open Forum is the public's opportunity to address the Board on any topic that is not already on the agenda for this meeting. While the Board cannot take action on the issues presented, the Board will listen to comments and may ask the issue be placed on a subsequent agenda for possible action by the Board. The Chairperson of the Board will determine the amount of time allotted for public comment.

AGENDA ITEM #1

Election of Officers

AGENDA ITEM # 2

Board Legal Counsel Issues

AGENDA ITEM # 3

Board Liability

- a. How can state boards be held legally liable if they fully comply with laws made by the state legislature? What are the parameters that distinguish the legislature's responsibility from a board's responsibility when the legislature passes a law that is challenged in court? How would legal action proceed in such a case?
- b. Where is this transfer of responsibility from legislature to state board cited in the MCA or in administrative rules?
- c. What case law is available to show that this kind of transfer of responsibility has happened in the past? How did such cases proceed and how were they decided?
- d. In the case of HB 769, if there are legal concerns with provisions in the bill, what are the specific concerns and how can the PAARP board be exposed to legal action if we follow the law as written?
- e. In similar cases with other boards, what legal action has been taken against boards that have complied with laws passed by the legislature? What were the results of such legal action?

AGENDA ITEM #4

Budget

AGENDA ITEM # 5

Ethics & Standard Committee Report

AGENDA ITEM # 6

Rules Template

AGENDA ITEM # 7

Future board meetings

ADJOURNMENT:

Menus
Agenda
Sign in sheets
Minutes
Travel forms
Calendars

**MONTANA BOARD OF PRIVATE ALTERNATIVE ADOLESCENT
RESIDENTIAL OR OUTDOOR
Full Board Meeting
301 S. PARK AVENUE, HELENA, MT
DLI Basement Conference Room
JULY 13, 2007
9:00AM - COMPLETION
REVISED AGENDA**

This agenda is subject to change up to 3 working days before the board meeting.
For the most accurate agenda, please consult the web site at www.paarp.mt.gov

AMERICANS WITH DISABILITIES ACT:

The Department of Labor and Industry is committed to providing meeting access through reasonable accommodation under the Americans with Disabilities Act. Please contact the Board office prior to the proposed meeting date for further information.

CALL TO ORDER:

Members Present:

Staff Present:

Others Present:

REVIEW OF AGENDA:

Review and approve:

APPROVAL OF MINUTES:

Review and approval of the April 23, 2007 Full Board Meeting

Review and approval of the June 21, 2007 Full Board Meeting

PUBLIC COMMENT STATEMENT:

In accordance with 2-3-103(1), MCA, the Board will hold a public comment period. Please note that Open Forum is the public's opportunity to address the Board on any topic that is not already on the agenda for this meeting. While the Board cannot take action on the issues presented, the Board will listen to comments and may ask the issue be placed on a subsequent agenda for possible action by the Board. The Chairperson of the Board will determine the amount of time allotted for public comment.

AGENDA ITEM #1

Representative Bob Lake – discussion on rules

AGENDA ITEM #2

Guiding principle of current board work
Board timeline for current work

AGENDA ITEM # 3

Templates of the following for board review of language and other needed decisions.

- Basic Rules and Procedures
- Registration
- Licensing Fees
 - E-mail & attachment from Paul Clark
- Complaints
- Professional Conduct MT 37.1.308 – 37.1.318

AGENDA ITEM # 4

Outdoor Programs

AGENDA ITEM # 5

Current Budget discussion and
Budget report as it ties to the new licensing fees

AGENDA ITEM #6

Ethics & Standard Committee Report

AGENDA ITEM # 7

Legal Opinion - Board Liability

AGENDA ITEM # 8

Next meeting

ADJOURNMENT:

**MONTANA BOARD OF PRIVATE ALTERNATIVE ADOLESCENT
RESIDENTIAL OR OUTDOOR
Full Board Meeting
301 S. PARK AVENUE, HELENA, MT
Department of Labor & Industry,
4th Floor Small Conference Room, #471
August 28, 2007
9:00AM - COMPLETION
AGENDA**

This agenda is subject to change up to 3 working days before the board meeting.
For the most accurate agenda, please consult the web site at www.paarp.mt.gov

AMERICANS WITH DISABILITIES ACT:

The Department of Labor and Industry is committed to providing meeting access through reasonable accommodation under the Americans with Disabilities Act. Please contact the Board office prior to the proposed meeting date for further information.

CALL TO ORDER:

Members Present:

Staff Present:

Others Present:

REVIEW OF AGENDA:

Review and approve:

APPROVAL OF MINUTES:

Review and approval of the JULY 13, 2007 Full Board Meeting

AGENDA ITEM #1

Purpose of the public comment section of an agenda - Mike McCabe

PUBLIC COMMENT STATEMENT:

In accordance with 2-3-103(1), MCA, the Board will hold a public comment period. Please note that Open Forum is the public's opportunity to address the Board on any topic that is not already on the agenda for this meeting. While the Board cannot take action on the issues presented, the Board will listen to comments and may ask the issue be placed on a subsequent agenda for possible action by the Board. The Chairperson of the Board will determine the amount of time allotted for public comment.

AGENDA ITEM #2

Prioritization of board tasks with attention to time lines and board purpose

AGENDA ITEM # 3

Current Budget discussion & Budget report as it ties to the new licensing fees

Proposals:

- Paul Clark Proposal
- Jacqueline Rutzke Proposal

-Fee proposals base on equitable distribution

- MKC #1, Four Category Equitable distribution
- MKC #4, Part A, Eight Categories Equitable Distribution with Zero Balance
- MKC #4, Part B, Eight Categories Equitable Distribution with Cash Balance

-Fee proposals base on census

- MKC #2 & 3, Eight Category Student Census Renewal 75%_100%
- MKC #5, Four Categories based on Student Census

AGENDA ITEM #4

Standard Rules Template for Board Procedures, Procedural Rules, Citizen Participation, Fee abatements, Application Development/Program Criteria, Registration/Provisional Licenses. – Mike McCabe

AGENDA ITEM #5

Rules proposal from Marylis Filipovich

AGENDA ITEM #6

Ethics & Standard Committee Report

AGENDA ITEM #7

Outdoor Programs

AGENDA ITEM # 8

Next meeting

ADJOURNMENT:

**MONTANA BOARD OF PRIVATE ALTERNATIVE ADOLESCENT
RESIDENTIAL OR OUTDOOR PROGRAM
Full Board Meeting
301 S. PARK AVENUE, HELENA, MT
Department of Labor & Industry,
4th Floor Small Conference Room, #471
October 4, 2007
9:00AM - COMPLETION
DRAFT AGENDA**

This agenda is subject to change up to 3 working days before the board meeting.
For the most accurate agenda, please consult the web site at www.paarp.mt.gov

AMERICANS WITH DISABILITIES ACT:

The Department of Labor and Industry is committed to providing meeting access through reasonable accommodation under the Americans with Disabilities Act. Please contact the Board office prior to the proposed meeting date for further information.

CALL TO ORDER:

Members Present:

Staff Present:

Others Present:

REVIEW OF AGENDA:

Review and approve:

APPROVAL OF MINUTES:

Review and approval of the August 28, 2007 Full Board Meeting

AGENDA ITEM #1

Prioritization of Board tasks with attention to time lines and board purpose

PUBLIC COMMENT STATEMENT:

In accordance with 2-3-103(1), MCA, the Board will hold a public comment period. Please note that Open Forum is the public's opportunity to address the Board on any topic that is not already on the agenda for this meeting. While the Board cannot take action on the issues presented, the Board will listen to comments and may ask the issue be placed on a subsequent agenda for possible action by the Board. The Chairperson of the Board will determine the amount of time allotted for public comment.

AGENDA ITEM #2

Current budget discussion & fee proposal based on maximum bed capacity per facility.

Marilyn Kelly-Clark

Paul Clark

AGENDA ITEM #3

Registration/Application Draft

Mike McCabe

AGENDA ITEM #4

Board discussion on Program self insurance

AGENDA ITEM # 5

Board discussion on background checks & finger printing

AGENDA ITEM # 6

Board discussion on inspections & complaints

AGENDA ITEM #7

Board discussion on rule proposals from Marylis Filipovich, Sen. Jackson

Department Comparison M. McCabe

Definitions – Beth Brenneman

AGENDA ITEM #8

Next meeting

ADJOURNMENT:

**MONTANA BOARD OF PRIVATE ALTERNATIVE ADOLESCENT
RESIDENTIAL OR OUTDOOR PROGRAM
Full Board Meeting
301 S. PARK AVENUE, HELENA, MT
Department of Labor & Industry,
Basement Conference Room
December 6, 2007
9:00AM – 4:00PM
DRAFT AGENDA**

This agenda is subject to change up to 3 working days before the board meeting.
For the most accurate agenda, please consult the web site at www.paarp.mt.gov

AMERICANS WITH DISABILITIES ACT:

The Department of Labor and Industry is committed to providing meeting access through reasonable accommodation under the Americans with Disabilities Act. Please contact the Board office prior to the proposed meeting date for further information.

CALL TO ORDER:

Members Present:

Staff Present:

Others Present:

REVIEW OF AGENDA:

Review and approve:

APPROVAL OF MINUTES:

Review and approval of the October 4, 2007 Full Board Meeting Minutes

AGENDA ITEM #1

Prioritization of board tasks - addendum - adding the consideration of flexibility vs. clarity - looking at the pros and cons of both.

PUBLIC COMMENT STATEMENT:

In accordance with 2-3-103(1), MCA, the Board will hold a public comment period. Please note that Open Forum is the public's opportunity to address the Board on any topic that is not already on the agenda for this meeting. While the Board cannot take action on the issues presented, the Board will listen to comments and may ask the issue be placed on a subsequent agenda for possible action by the Board. The Chairperson of the Board will determine the amount of time allotted for public comment.

AGENDA ITEM #2

Current budget report.

DLI Staff

AGENDA ITEM #3

Fee Schedule, Registration/Application Draft Update
Mike McCabe

AGENDA ITEM #4

11:15AM Board discussion/action on Program Insurance Requirements
Guest Speaker: Allyn Cass, Western States Insurance
Report: Insurance data gathered from Montana Registered Programs.
Staff

AGENDA ITEM # 5

10:15AM Board discussion/action on Background Checks & Finger Printing.
Guest Speaker: David Blade, Department of Justice.

AGENDA ITEM # 6

Board discussion/action
Regulations crafted from the Standard and Ethics Committee, Marylis Filipovich,
Sen. Jackson, and Beth [Brenneman](#).

AGENDA ITEM #7

Next meeting

ADJOURNMENT:

**MONTANA BOARD OF PRIVATE ALTERNATIVE ADOLESCENT
RESIDENTIAL OR OUTDOOR PROGRAM
Full Board Meeting
301 S. PARK AVENUE, HELENA, MT
Department of Labor & Industry,
Basement Conference Room
January 23, 2008
9:00AM – 4:00PM
REVISED DRAFT AGENDA**

This agenda is subject to change up to 3 working days before the board meeting.
For the most accurate agenda, please consult the web site at www.paarp.mt.gov

AMERICANS WITH DISABILITIES ACT:

The Department of Labor and Industry is committed to providing meeting access through reasonable accommodation under the Americans with Disabilities Act. Please contact the Board office prior to the proposed meeting date for further information.

CALL TO ORDER:

Members Present:

Staff Present:

Others Present:

REVIEW OF AGENDA:

Review and approve:

APPROVAL OF MINUTES:

December 6, 2007 Full Board Meeting Minutes

AGENDA ITEM #1

Prioritization of board tasks with consideration of flexibility vs. clarity - looking at the pros and cons of both.

PUBLIC COMMENT STATEMENT:

In accordance with 2-3-103(1), MCA, the Board will hold a public comment period. Please note that Open Forum is the public's opportunity to address the Board on any topic that is not already on the agenda for this meeting. While the Board cannot take action on the issues presented, the Board will listen to comments and may ask the issue be placed on a subsequent agenda for possible action by the Board. The Chairperson of the Board will determine the amount of time allotted for public comment.

AGENDA ITEM #2

Current budget report.

DLI Staff

AGENDA ITEM #3

Liability Insurance & Professional Liability Insurance

AGENDA ITEM #4

Fee Schedule, Registration/Application Draft Update
Mike McCabe

AGENDA ITEM #5

Background check discussion/action - red light - green light and formulation of rules regarding checks - also instructions - how to handle information such as DMV info not included.

AGENDA ITEM # 6

Board discussion/action
Regulations crafted from the Standard and Ethics Committee, Marylis Filipovich, Sen. Jackson, and Beth Brenneman.

AGENDA ITEM # 7

DLI Board member training, February 2007

AGENDA ITEM #8

Next meeting

ADJOURNMENT:

**MONTANA BOARD OF PRIVATE ALTERNATIVE ADOLESCENT
RESIDENTIAL OR OUTDOOR PROGRAM**

Full Board Meeting

301 S. PARK AVENUE, HELENA, MT

Department of Labor & Industry,

5th Floor Conference Room #562

April 25, 2008

9:00AM – 4:00PM

DRAFT AGENDA

This agenda is subject to change up to 3 working days before the board meeting.

For the most accurate agenda, please consult the web site at www.paarp.mt.gov

AMERICANS WITH DISABILITIES ACT:

The Department of Labor and Industry is committed to providing meeting access through reasonable accommodation under the Americans with Disabilities Act. Please contact the Board office prior to the proposed meeting date for further information.

CALL TO ORDER:

Members Present:

Staff Present:

Others Present:

REVIEW OF AGENDA:

Review and approve:

APPROVAL OF MINUTES:

January 23, 2008 Full Board Meeting Minutes

AGENDA ITEM #1

Prioritization of Board tasks with consideration of flexibility vs. clarity - looking at the pros and cons of both.

PUBLIC COMMENT STATEMENT:

In accordance with 2-3-103(1), MCA, the Board will hold a public comment period. Please note that Open Forum is the public's opportunity to address the Board on any topic that is not already on the agenda for this meeting. While the Board cannot take action on the issues presented, the Board will listen to comments and may ask the issue be placed on a subsequent agenda for possible action by the Board. The Chairperson of the Board will determine the amount of time allotted for public comment.

AGENDA ITEM #2

Current budget report.

DLI Staff

AGENDA ITEM #3

Responses to MAR Notice No. 24-181-2.

AGENDA ITEM #4 - Mike McCabe

-Core Standards Document Review

Supplemental documents, Verdell Jackson, Beth Brenneman, Marilys Filipovich,

-Background check discussion/action - red light - green light and formulation of rules regarding checks - also instructions - how to handle information such as DMV info not included.

- Complaint process language

-Program Administration: Section 9 of the bill and the application includes much more than are in the Board rules draft.

-Ratio – direct care staff - student to staff ratio – 1 to 20.

-Occupancy rating for the rooms in the Program's buildings

-Full disclosure the marketing practices to the parents

AGENDA ITEM #5

The gap between registration and licensure – Marilys Filipovich

AGENDA ITEM # 6

Board Member terms

AGENDA ITEM #7

Next meeting

ADJOURNMENT:

**MONTANA BOARD OF PRIVATE ALTERNATIVE ADOLESCENT
RESIDENTIAL OR OUTDOOR PROGRAM**

**Full Board Meeting
Department of Labor & Industry
301 S. Park Avenue, Helena, MT
Basement Conference Room
June 24, 2008
9:00AM – 4:00PM
Updated AGENDA**

This agenda is subject to change up to 3 working days before the board meeting.
For the most accurate agenda, please consult the web site at www.paarp.mt.gov

AMERICANS WITH DISABILITIES ACT:

The Department of Labor and Industry is committed to providing meeting access through reasonable accommodation under the Americans with Disabilities Act. Please contact the Board office prior to the proposed meeting date for further information.

CALL TO ORDER:

Members Present:
Staff Present:
Others Present:

REVIEW OF AGENDA:

Approve

APPROVAL OF MINUTES:

March 25, 2008 Full Board Meeting.

AGENDA ITEM #1

Prioritization of Board tasks with consideration of flexibility vs. clarity - looking at the pros and cons of both.

PUBLIC COMMENT STATEMENT:

In accordance with 2-3-103(1), MCA, the Board will hold a public comment period. Please note that Open Forum is the public's opportunity to address the Board on any topic that is not already on the agenda for this meeting. While the Board cannot take action on the issues presented, the Board will listen to comments and may ask the issue be placed on a subsequent agenda for possible action by the Board. The Chairperson of the Board will determine the amount of time allotted for public comment.

AGENDA ITEM #2

Current budget report.

AGENDA ITEM #2

Application document review and changes.
Staff report on applications received.

AGENDA ITEM #3

Federal Regulation - Congressman Miller

AGENDA ITEM #4 - Mike McCabe

Core Standards Document review, continuation with incomplete sections.

AGENDA ITEM #5

Staff to youth ratio.

AGENDA ITEM #6

Occupancy rating – how to describe the best use of each room/building

AGENDA ITEM #7

Fire code ratings.

AGENDA ITEM #8

-Background check discussion/action - red light - green light and formulation of rules regarding checks - also instructions - how to handle information such as DMV info not included.
-Drug testing.

AGENDA ITEM # 9

Complaint language for new rules to include the denial of action on anonymous complaints.

AGENDA ITEM # 10

-Marketing practices -Full disclosure of the marketing practices to the parents. Represent facts truthfully to families and students, and fully disclose all costs and fees for services including those involved in placement.
-Web page advertisement on chemical dependency treatment services.

AGENDA ITEM #11

Site Visits/Inspections criteria.

AGENDA ITEM #12

Board member appointments.

AGENDA ITEM #13

Next meeting.

ADJOURNMENT:

**MONTANA BOARD OF PRIVATE ALTERNATIVE ADOLESCENT
RESIDENTIAL OR OUTDOOR PROGRAM**

Full Board Meeting

Department of Labor & Industry

301 S. Park Avenue, Helena, MT

Conference Call

July 15, 2008 rescheduled for July 23, 2008

1:00PM – 5:00PM

AGENDA

This agenda is subject to change up to 3 working days before the board meeting.

For the most accurate agenda, please consult the web site at www.paarp.mt.gov

AMERICANS WITH DISABILITIES ACT:

The Department of Labor and Industry is committed to providing meeting access through reasonable accommodation under the Americans with Disabilities Act. Please contact the Board office prior to the proposed meeting date for further information.

CALL TO ORDER:

Members Present:

Staff Present:

Others Present:

REVIEW OF AGENDA:

Approval

APPROVAL OF MINUTES:

June 24, 2008 Full Board Meeting.

AGENDA ITEM #1

Prioritization of Board tasks with consideration of flexibility vs. clarity - looking at the pros and cons of both.

PUBLIC COMMENT STATEMENT:

In accordance with 2-3-103(1), MCA, the Board will hold a public comment period. Please note that Open Forum is the public's opportunity to address the Board on any topic that is not already on the agenda for this meeting. While the Board cannot take action on the issues presented, the Board will listen to comments and may ask the issue be placed on a subsequent agenda for possible action by the Board. The Chairperson of the Board will determine the amount of time allotted for public comment.

AGENDA ITEM #2

Current budget report.

AGENDA ITEM #3

Application report.

AGENDA ITEM #4

Core standards document review, continuation with incomplete sections.

AGENDA ITEM #5

Marketing practices, full disclosure of the marketing practices to the parents.
Representation of facts truthfully to families and students, and full disclosure of all costs and fees for services including those involved in placement.

AGENDA ITEM #6

Staff to youth ratio.

AGENDA ITEM #7

Occupancy rating – how to describe the best use of each room/building.

AGENDA ITEM #8

Fire code ratings.

AGENDA ITEM #9

-Background check discussion/action - red light - green light and formulation of rules regarding checks - also instructions - how to handle information such as DMV info not included.

AGENDA ITEM # 10

Drug testing.

AGENDA ITEM # 11

Complaint language for new rules to include the denial of action on anonymous complaints.

AGENDA ITEM # 12

Web page advertisement on chemical dependency treatment services.

AGENDA ITEM #13

Site Visits/Inspections criteria.

AGENDA ITEM #14

Board member appointments.

AGENDA ITEM #15

Next meeting.

ADJOURNMENT:

**MONTANA BOARD OF PRIVATE ALTERNATIVE ADOLESCENT
RESIDENTIAL OR OUTDOOR PROGRAM**

**Full Board Meeting
Department of Labor &
Industry 301 S. Park
Avenue, Helena, MT
4th Floor Conference Room
October 6-7, 2008
1:00PM – 5:00 & 10:15AM -
Completion REVISED AGENDA**

This agenda is subject to change up to 3 working days before the board meeting. For the most accurate agenda, please consult the web site at www.paarp.mt.gov

AMERICANS WITH DISABILITIES ACT:

The Department of Labor and Industry is committed to providing meeting access through reasonable accommodation under the Americans with Disabilities Act.

Please contact the Board office prior to the proposed meeting date for further information.

CALL TO ORDER:

Members Present:

Staff Present:

Others Present:

AGENDA ITEM #1 REVIEW OF AGENDA:

Approval.

AGENDA ITEM #2

APPROVAL OF MINUTES:

July 23, 2008 Full Board Meeting.

AGENDA ITEM #3

Nomination of a Board Chair by the

Board. Nomination of a Co-Chair.

Nomination of a Fiscal Contact.

Nomination of a Legislative

Contact. Nomination of a:

Screening Panel Members.

Adjudication Panel Members.

PUBLIC COMMENT STATEMENT:

In accordance with 2-3-103(1), MCA, the Board will hold a public comment period. Please note that Open Forum is the public's opportunity to address the Board on any topic that is not already on the agenda for this meeting. While the Board cannot take action on the issues presented, the Board will listen to comments and may ask the issue be placed on a subsequent agenda for possible action by the Board. The Chairperson of the Board will determine the amount of time allotted for public comment.

AGENDA Item #4

Fiscal Year 2008 and Current Budget Report.

AGENDA Item #5

Comparison of Montana Regulations and Proposed Federal Regulation, Congressman Miller.

- Review of Montana Rules thus far, Core Rules, and Minutes 7/23/2008
- Paul Clark/ Roy Kemp: draft on behavioral management
- Mike McCabe: definitions of restraints

AGENDA Item #6

M. Manning DPHHS Disqualifier Draft, M. Manning, as related to Criminal Background Checks.

AGENDA Item #7

Application Reviews.

Issuance of Provisional Licenses

AGENDA Item #8

Site Visits/Inspections criteria.

AGENDA Item #9

Governor's Mandate on Meetings.

Next meeting.

ADJOURNMENT:

Executive Session Minutes 2006-7-31

MONTANA BOARD OF PRIVATE ALTERNATIVE ADOLESCENT RESIDENTIAL
OR OUTDOOR PROGRAMS
Board Meeting-Conference Call
301 South Park Avenue
Helena, MT
July 31, 2006
EXECUTIVE SESSION
DRAFT MINUTES
OPEN MEETING
9:00am – completion

This agenda is subject to change up to 3 working days before the Board meeting. For the most accurate agenda, please consult the web site at <http://www.paarp.mt.gov>.

CALL TO ORDER:	The Board Chairman Clark convened the Board meeting in executive session at 9:50am.
Board Members	Paul Clark, Board Chair Michele Manning Commissioner Carol Brooker Mary Alexine Absent Public Member Vacant
DLI Staff	Cyndi Breen, Program Manager
Site Visits & Town Meeting in the Flathead Valley	Board Staff & Board Members Ms. Manning provided three documents: 1. Outline for Site Visits: This document includes the name of the site visited and all of the responses received from the school at the time of the visit. 2. Site visit data document compiles all of the Program responses to each of the individual questions on the site visit checklist. The number of the response correlates to the number of the school on the Outline for the Site Visits document. 3. Overall Summary of the Site Visits: The responses are grouped together and summarized. There is a section of the checklist that tends to

	<p>require a subjective response. The section asks that the site visitors provide a general overview of the facility- condition, cleanliness, maintenance.</p> <p>Staff commented that perhaps a scale/range would need to be identified and defined with an introductory statement that says that the information is subjective based on the perceptions of the site visitors.</p> <p>Mr. Clark commented that he would prefer that this section be done in a narrative fashion not isolating any one program. The narrative could define a range of conditions at different sites rather than quantifying the data.</p> <p>Site Visit Concerns:</p> <ul style="list-style-type: none"> -One overall observation by Ms. Manning was that those schools with 30 or more students tended to have solid policies and procedures in place. Smaller school often times had few if any written policies. Ms. Manning attributes this to the need to employ more people in the larger schools, necessitating that written information be available. It does not appear that the lack has any intended harm by the small programs but instead but they simply didn't know what they don't know. It is with these Programs that MAAPP, the Program Association, could be most helpful with training. -In one program the students had broken the dishwasher so the consequence for the misbehavior was that the dishwasher would not be repaired or replaced. This would raise a health/sanitation issue around the cleanliness of the now hand washed dishes, the temperature of the water etc. -On the application form Programs claim one number of students served though the site visit revealed that historically more students had been and were currently being served. -Schools advertise that therapists are available
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	<p>for mental health services for youth. In some cases therapists are not available. Or, it is discovered that unqualified, non-credentialed employees are providing counseling services. One facility owner had appeared before the Board of Psychology and the Board of Social Work Examiners and Professional Counselors and been issued a cease and desist letter. She continues providing counseling services to students without a Montana license.</p> <p>-Cleanliness issues exist in some Programs.</p> <p>At one small Program the follow information was concerning:</p> <ul style="list-style-type: none"> -The site visit was hosted by an employee and the program owners did not participate in any of the visit though they had committed to being available. -The environment seemed strained and the 4 students that were on site did not interact with the site visitors. -One male student was sleeping under the monitoring of a camera with staff saying he was recovering from a medication change. An account of the medications had site visitors questioning whether a non-medically monitored environment was best to meet his needs. -Policy and procedures were elaborate though did not appear to match the services provided, i.e. the availability of therapists for students. -The facility was in need of carpentry work. Some sections of the home were unfinished, i.e. stairwells. -The issue of mandatory reporting around any of the above issues was asked. Staff will consult with the legal staff as to the appropriate protocol. <p>Ms. Manning stressed the importance of careful review by the Board of this subjective section. She asked for time slots to visit with each of the site visitors about their observation. Mr. Clark and Ms. Brooker will speak with her on Thursday morning and she will speak to Board staff today at 2:00pm.</p>
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	<p>PAARP Town Hall Meeting Summary Report: Ms. Manning reported that some of the numbers on this form may change slightly.</p> <p>Ms. Manning has defined "positive" & "negative" in regard to the comments received at the Community meetings. "Positive" is defined as support from an individual or entity for the work that the Board is doing. "Negative" is defined as nonsupport of the Board's activities.</p> <p>Ms. Manning also questions the economic impact of both income and property taxes, topics that have not yet been addressed. Board staff also commented that there may be some interest from the Montana Chamber of Commerce. Ms. Brooker recommended that contact be made with Web Brown, Program Director for the Montana Chamber. This group lobby's legislation that has an impact on Montana economics. Possibly, a bill written around regulating schools in Montana will interest this group. Mr. Clark recommended that staff contact Sue Weingartner as she is connected to the group in Helena. The Department of Revenue could also be a resource for getting this fiscal information.</p> <p>Ms. Manning will forward updated documents to the Board office for review at the next Board meeting.</p> <p>Board staff asked if the Board will we do any more site visits? No.</p> <p>Reminder: A new DLI policy is that open meeting recordings will be available to the public.</p>
ADJOURNMENT:	<p>MOTION: Ms. Manning moved to adjourn the meeting at 10:49am. Seconded by Ms. Brooker Discussion: None Vote: Unanimous Motion carried.</p>

Minutes

2005-2008

**BOARD OF: Private Alternative Adolescent Residential or Outdoor Programs
(PAARP)**

MINUTES

301 SOUTH PARK 4TH FLOOR

HELENA MT 59620

September 8, 2005

CALL TO ORDER:

Anne O'Leary, Board Council, called the meeting to order at 9:10am.

The Department of Labor & Industry is committed to providing meeting access through reasonable accommodation under the Americans with Disabilities Act. Please contact the Board office prior to the proposed meeting date for further information.

MEMBERS PRESENT:

Roll Call
Michele Manning
Representing Residential Adolescent Programs
(Large Size Programs)

Mary Alexine
Representing Residential Adolescent Programs
(Medium Size Programs)

Paul Clark
Representing Residential Adolescent Programs
(Small Size Programs)

Commissioner Carol Brooker
Public Member

Dr. Maureen Neihart
Public Member

DLI STAFF:

Cynthia Reichenbach, Program Manager
Jeannie Worsech, Unit Supervisor
Anne O'Leary, Board Council

OTHERS PRESENT:

Sue Weingartner
Mary Dalton
Gary Spaeth
Susan Fox
Matt Thiel
Joyce Sterkel
Jacqueline Rutzke

Barbara Sullenger
Alan Sullenger
Liann Ainsurk
Linda Carpenter
Michael Chisholm
Chaffin Pullan

In advance of reviewing the agenda Ms. O'Leary proposed the nomination for a board chair and vice chair. Ms. Manning asked for clarification of the duties required in serving in these roles. Ms. O'Leary stated that the duties would include opening & conducting the board meetings, determinations regarding the public comment period, appointment of committees, signing off of minutes, approving agendas, etc.

MOTION: Ms. Neihart motioned to nominate Ms. Brooker as board chair. Ms. Brooker declined the nomination.

Motion withdrawn.

MOTION: Ms. Manning moved to nominate Mr. Clark as Board Chair. Mr. Clark accepted the nomination.

Second: By Ms. Brooker

Discussion: None

Vote: Unanimous

Motion Carried.

Conducting of the board meeting was given to Mr. Clark.

REVIEW OF AGENDA:

Mr. Clark asked if all of the guests attending the meeting had a copy of the board meeting agenda. In advance, agendas have been made available to guests.

Mr. Clark read the Americans with Disabilities Act.

APPROVAL OF MINUTES:

None. This is the Board's first meeting.

PUBLIC COMMENTS:

In accordance with 2-3-103(1), MCA, the Board will hold a public comment period. Please note that Open Forum is the public's opportunity to address the Board on any topic. While the Board cannot take action on the issues presented, the Board will listen to comments and may ask the issue be placed on a subsequent agenda for Board discussion and possible action. The Chairperson of the Board will determine the amount of time allotted for public comment.

Mr. Clark opened the meeting for Public comment reading and explaining the public comment period. He allowed 30 minutes for this agenda item.

Linda Carpenter – Treasurer of Association of Montana Alternative Adolescent Private Programs. Ms.

Carpenter stated that the Association was a coalition of Programs across the state that has come together for a unified voice. 'We are very honored to be a part of this process. We are very supportive of you as the Governor's board and the legislation that has passed and we look forward to working with you in the future'.

'I want to extend the regrets of the Association's President, John Mercer and our secretary Penny James who were not able to attend today's meeting'.

'Our other officers include Paul Cark, Vice-President, and Jacqueline Rutzke, member at large'.

'I'd like to share our mission with you:

Our mission as an Association is to enhance the standard of care, credibility, economic viability, and stature of private alternative adolescent Programs and schools within the state of Montana through education, advocacy, information, and support for its members'.

'The Association has formed an internal ethics and standards committee'. 'That committee will be reporting to the general membership at its meeting in October'. 'We look forward to sharing those ethics and standards with you as you go through your rule making work'.

'We believe whole heartedly that collectively we can do far more than any one single Program can alone'.

'Again we want to share our enthusiasm for this board and look forward to working with you'. 'Our written mission statement along with our 8 goal statements for the year, and the ethic and standards will be share with you via Department staff'.

BUDGET/FINANCIAL:

Jeannie Worsech – SABHRS, State Accounting & Budgeting, Human Resource System

Enabling Legislative HB 628 and Fiscal Note

Ms. Worsech, DLI Unit Supervisor reported that the Board has a budget approved by the legislature.

For fiscal year 2006 it is approved for \$21,745.00.

Fiscal year 2007 is approved for \$20,905.00.

It is expected that revenue estimates of \$45,500.00

will be received during the first half of the biennium. The Board will not be charging a renewal for Program registrations. The Program registrations will be effective for 2 years and those funds will be used to carry through the second year and to the next legislative session. The board is obligated to report to the interim committee in advance of the next legislative session. A copy of the board budget is included in the board book and the public has access to this information upon request. At each Board meeting a fiscal report will be submitted.

MOTION: Ms. Brooker moved to accept the board budget as presented.

Second: By Ms. Manning

Discussion: None

Vote: Unanimous

Motion Carried.

NATIONAL, STATE, & GENERAL CORRESPONDENCE

Montana Alternative Adolescent Private Programs (MAAPP), Linda Carpenter,
Report given earlier in the agenda

Coalition Against Institutionalized Child Abuse
Isabelle Zehnder, (CAICA)
Cancelled

NATSAP: No Representative

Proposed board rules

Chairman Clark asked Board Council to review the rule making process with particular attention to the fee structure.

Ms. O'Leary briefly described the rules process primarily for the benefit of the audience as the board members received the information during board training on September 7, 2005.

Ms. Worsch spoke to Title 37, Chapter 1 which is Department Statute. These laws enact board procedure, open meeting policy, and citizen participation laws. Legal Council advised that it would be redundant for the Board to include the rules in their draft as they already apply to the Board as Department rule. Staff will provide Title 37 to the Board at the next meeting.

Proposed rule 1 reads:

Rule #1 **NEW RULE 1 BOARD MEETINGS** (1) The

board will elect a board chairperson and a vice chairperson at it's fall meeting annually. The chairperson shall preside over all proceedings before the board. In the chairperson's absence, the vice-chairperson shall preside. In the absence of both, the board shall appoint a chairperson to preside.

Ms. Brooker asked about a quorum should the chair & vice chair be absent from a meeting. Ms. Worsech responded that three of the five members would be present providing for a quorum.

MOTION: Ms. Manning moved to notice new rule # 1.

Second: By Ms. Alexine

Discussion: None

Vote: Unanimous

Motion Carried.

Chairman Clark entertained the nomination of a vice-chair

MOTION: Ms. Neihart nominated Ms. Brooker

Second: By Ms. Manning

Discussion: None

Vote: Unanimous

Motion Carried.

Ms. Worsech continued the discussion with new rule #2. She explained that in the event that words and phrases within statute and rules may be unclear or subject to other interpretation, it is important to have the rules defined.

NEW RULE II DEFINITIONS For the purpose of this chapter the following definitions shall apply:

(1) "Average daily census" (1) "Average daily census" is defined as the daily mean number of participants served in a calendar year. This number is calculated by adding the total number of service days provided for all participants in a calendar year and dividing that number by 365. New Programs will need to project the number of participants to be serviced.

(2) "Participant" means an individual youth or adolescent to which services are being provided by the Program.

(3) "Number of service days" means any

portion of a twenty-four hour period in which service is provided to one participant multiplied by the number of actual participants on that day.

(4) "The person responsible for the conduct of the Program" will be defined.

Discussion:

On average daily census, statute requires the Board to collect this information but it does not define what is meant by average daily census. The above definition was provided by the Association.

Ms. O'Leary questioned why 'mean' was used rather than simply average.

It was concluded that 'average' & 'mean' were interchangeable terms.

Ms. Neihart recommended changing the word 'serviced' to 'served'.

Ms. O'Leary recommended that average daily census is 'defined' as, be replace with 'means'. In subsection 4 'is defined as' should be replaced by 'means'.

Ms. Manning asked about the real meaning of 'average daily census' and expressed confusion over 'participates' and 'service days'. 'The formula does not provide the information needed'.

Ms. O'Leary concurred.

A 'service day' Linda Carpenter, MAAP representative, spoke but on the recording this section is inaudible.

Mr. Clark offered that the verbiage may be incorrect but the idea is right. 'By the formula we are determining ability to pay'. 'It is a fair way to calculate and the rule could be better if the first line was removed'.

Mr. O'Leary stressed however that we are losing the registration fee into new rule 3 as based on the average daily census is based on participants and average daily census which has nothing to do with service days in the fee schedule'. 'There is no connection between service days and average daily census'. 'We don't need to know about service days. All we need to know are the participants'.

Ms. Worsech stated that the service days are a part of the formula and that number needs to be 365.

While staff searched the NAATSAP web page for their definition, the Board moved on to section 2 of the definitions.

Ms. O'Leary recommended changing 'to which' to 'to whom'.

Ms. Neihart questioned the use of youth or adolescent as opposed to 'individual'.

Subsection 2 reads 'participant means a youth or adolescent to whom services are being provided by the Program'.

Section three definition of service day is related to section 1. This definition will be delayed until the definition of average daily census is gained from the NATSAP web page.

In Subsection 4, 'the person responsible for the conduct of the Program,' Ms. O'Leary reminded the Board that this is the language, used in 37.48.103.3.(c), by the legislature and it is up to this Board to define what that means. She asked if anyone recalled the legislator's discussion around the issue. 'Is anyone aware of the control that they were looking for with the term'? 'Does it mean the CEO of the facility, the partners in a partnership, or maybe the psychologist at a school, the facility owner, the lead officer, or the principle of the school though some Programs don't have principles'? 'Could that person flow to the president of the board'?

Ms. Neihart asked if this person needs to be some one who is on-sight of the facility.

Ms. Worsech explained that likely it would be the person ultimately responsible at the facility if we move towards regulation or discipline. She used the Board of cosmetology and pharmacists as examples.

Mr. Clark suggested that the board come up with a tiered definition.

In the case of sole proprietorship, the person would logically be the owner.

If the facility is a corporation, then the chairman of the board or the Board President would be the contact.

Larger corporations would have to designate the contact person. The corporation likely will hire a Program manager and it is believed that this individual would be the contact person.

Ms. Worsch mentioned that the language in the application includes all of the above.

Mr. Clark called on Gary Spaeth from the public attendance, for his input. Mr. Spaeth was at all of the hearings for the bill and clarified that this contact person is the individual that, for example, would be the person who was called in an emergency at the facility. He further explained that the Program owner or owners could live out of state but it is the onsite person that everyone knows who is the person contacted. It is the major employee who reports to the board.

Ms. O'Leary suggested then that the application ask specifically about Program ownership but also for the contact person who would be reached in an emergency. That person likely will change over the course of time and the Program would be obligated to notify the Department of those changes.

Ms. O'Leary suggested that on the application page 1, preceding question 3: List the name of the person as per, 37.48.103.3(c) who is responsible for the conduct of the Program.

Mr. Clark summarized and clarified that all Board members agree that this individual needs to be a principle employee of the facility not office staff.

Ms. Brooker commented that when an individual applies for a business license, a contact person is listed.

Ms. Worsch drew the Boards attention to page 7 of the registration application. The affidavit names the person in charge and is a sworn statement.

Ms. Manning asked what if the scenario is one that has the Program Board making the decisions. Mr. Clark responded that the Program board would need to make the decision about who the contact person for the Department of Labor would be.

Ms. O'Leary commented that it is important to remember that the purpose of this contact person now is for the registration process. Should the Department have a question, they could reach this person to have it answered rather than have to wait for a gathering of the facility board.

Mr. Clark asked the Board to consent to allowing the Department to come up with final language defining the contact person. The Board concurred.

The board returned to defining average daily census. It's Mr. Clark's sense that all agree on the concept of

average daily census. That being, taking the # of service days (all of the adolescents on the days, multiplied by the number of days), totaling all of the day and dividing by 365. For example if a facility has 9 adolescents at it's facility on one day, then 10 on the next day that would be 19 total service days. The formula would actually determine the actual number of service days, 50 students on one day will be 50 service days.

The Board concurred to leave it to the Department to come up with the language for this rule. Staff will rewrite the language and return it to the Board following lunch.

A point of order from Mr. Clark was to ask that in the interest of moving forward the Board avoid getting bogged down in details. He asked that the Board consider giving concept proposals to the Department then trusting them to follow through with the details.

10.08 NEW RULE III FEE SCHEDULE (1)

The registration fee shall provide registration for a 2 year period.

(2) Registration fees are calculated according to the Program's average daily census:

- | | |
|-------------------------------|---------|
| (a) 0-10 participants | \$ 750 |
| (b) 11-50 participants | \$1,750 |
| (c) 51-100 participants | \$2,000 |
| (d) 101 and more participants | \$3,000 |

(3) All existing Programs must be registered within 30 days of the adoption of these rules.

(4) All fees provided for in this rule are nonrefundable and are not prorated for portions of the registration period.

MOTION: Ms. Alexine moved that rule 3 be noticed as amended.

Second: By Ms. Booker

Discussion: None

Vote: Unanimous

Motion Carried.

Ms. O'Leary questioned why the law states a 2 year registration but that the registration needs to be updated annually.

Ms. Worsch explained that the concept of the

legislature was to not have a renewal period. On the fiscal note the Department did not include costs for renewal in an effort to keep the Program costs low. The Department will ask for updates annually but not charge a fee.

Ms Alexine commented that the variety in the fees is pretty striking looking at it per student.

Ms. Warsech asked Board members to look at the fiscal note that was submitted for legislation. The Board is not bound by the fees in this section. When the Department responded to the legislation with the fiscal note, it was their best effort at drawing conclusions on meeting the Program fund need of \$45,000. Department staff met with the bill lobbyists in drawing its conclusions.

Mr. Clark proposed that the only alternative to using the figures in proposal would be to recalculate the fees by using the number of service days of each Program. The Programs that have the greatest service days would be charged the highest fees. The disadvantage to this approach would be that the service days would have to be gathered from the Programs as part of the registration process, calculated by the department, and then billed to the Programs. Secondly, the extra steps in the process will delay the income of funds required for the board to operate. Mr. Clark reluctantly made the suggestion stating his preference for the fees as written.

Dr. Neihart questioned if then, in September, when the report is made to the interim committee, one of the recommendations shall be to restructure the fees based on the new information.

Ms. Reichenbach provided the definition from NATSAP for average daily census. It is 'average daily census means the number of all participants serviced in a calendar year'. Ms. O'Leary will redraft the language.

Actions on rules 2 & 3 will be delayed until after lunch and the revisions have been printed.

On sub-section (3) & (4)

Ms. Brooker questioned if 30 days was sufficient time to allow Programs to register. Ms. Warsech explained that in light of the need for legislative concept proposals by February 2006, time is of the essence. Mr. Clark asked for clarification on time lines for getting rules adopted and the beginning of the

registration process. Ms. Worsch explained that if the board approved rules today the rules could be noticed on a subsequent Monday. They are delivered to the Secretary of States office who has 10 days to review the rules and determine that they comply with statute. The rules are published on the 10th day, always on a Thursday, publication date then 20 days for hearing, 28 days for public comment. December would be the soonest rules could be adopted.

NEW RULE IV APPLICATION FOR REGISTRATION

(1) A Program applicant shall submit an application on a form prescribed by the department. The application must be complete and accompanied by the appropriate fees and the following documentation:

- (a) a detailed description of the Program and facility;
- (b) a detailed description of the population served by the Program;
- (c) the location of the facility or Program, including all locations where services to participants will be provided.
- (d) the contact information for each Program, including the person responsible for the conduct of the Program;
- (e) a list of professional and supervisory employees and relevant credentials and other qualifications;
- (f) a list of all staff members working at or providing services for the Program not included in (e);
- (g) the average daily census calculation as defined in New Rule II
- (h) a copy of all Program policies and procedures, including but not limited to:
 - (i) admission;
 - (ii) behavior management;
 - (iii) communication with family members
 - (iv) the availability of routine and emergency medical and psychological care
 - (v) medication management
 - (vi) complaint or grievance policies and procedures

(2) Incomplete applications will be returned. The applicant may correct any deficiencies, complete any requirements necessary for registration and re-submit

the application to the board office. Failure to re-submit the deficient application within 60 days from the date of the original submission will be treated as a voluntary withdrawal of the application and all fees will be forfeited.

(3) After withdrawal of an application, the applicant will be required to submit a new application, including supporting documentation and appropriate fees.

(4) Completed applications will be reviewed by board staff, which may request such additional information as it deems reasonably necessary.

(5) Applications deemed complete and accepted will be issued a registration/certificate by the Department.

(6) Each Program's registration is non-transferable.

(7) Each registered Program shall submit the necessary information requested by the board within the timeframe established by the board.

Ms. Worsech commented that though some of the rules may seem as if they are common sense, it's important to know that unless an issue is written in rule they are not enforceable. The majority of this section is taken directly from statute however, use of the word 'detail' has been added in two places, 1a, & b. The Department has learned over time that it is wise to ask for such information to clarify for the applicant what is expected.

Section f has been added. Ms. Worsech posed the question. 'Is it important to have the names of all individuals who have contact with the adolescents at the facilities?'

Section h (vi) has been added. Ms. Worsech commented that though it is not included in statute it seems logical to include the grievance process. All of these additions and changes are suggestion by the Department and subject to Board approval.

Additionally, the Board has the option to add any of their own concerns.

Ms. Neihart ask if it is better to add what we want or does using a 'detailed description' phrase cover it?

Ms. Worsech stated that either option is fine. The Department will enforce the fact that the Board has asked for the information and make its decisions about accepting a registration accordingly. She also mentioned that paraphrase can be helpful with words such as 'including but not limited to.'

She did mention that it is important however to not make the rules so arduous or detailed that Programs simply are not able to complete the registration.

For the record, Mr. Clark paused the meeting momentarily for a reminder. Mr. Clark emphasized the importance of all of the Board members and that the Board's mandates are at the discretion of the Governor's office to be of service to the general public. "So, we need to take off our hats as Program people and make decisions that are in the best interest of the general public when we are going to make decisions about this rule."

He asked if, in general, are the questions on this application form asking for the information that we think we will need to know. Ms. Worsch confirmed that the additional information in this section will come to the Department in a narrative form or an addendum to the application.

Mr. Brooker asked if small Programs actually have all of these kinds of policies that are asked for in the registration form or if the Programs would have to come up with them? Mr. Clark as the representative for the small Programs responded to the question saying, both. There are policy & procedures in most Programs, perhaps not in the detail that the application is asking of them. Mr. Clark confirmed that if the Programs don't have them, then the Board will be doing them a service by asking for it so that they put the written policies in place. Ms. Brooker expressed concern that the Board requires documents and burdens the Programs when it's not information that is useful. Ms. Manning commented that she wants small Programs to participate with us.

Issues:

"When small Programs see 'detailed' I wonder what that mean to them" then, in (f), the language 'all' in 'a list of all persons working', where are the parameters for that because for a large Program that would be huge and finally, (h) the 'all' in 'all Program policies and procedures'. "For us that would be a huge paper trail".

Ms. Manning expressed concern that in a very small Program asking for all of this would cause them to feel totally overwhelmed, not even knowing where to begin. She asked what it is really, that we need considering the volume and the scope of the bill. Ms. Manning asked that we consider massaging this section a bit more. Ms. Alexine suggested that smaller Programs be asked to provide all that they

have but then be given a window of time to submit what is missing. Ms. Warsech and Ms. O'Leary commented that some of the information being debated is required by statute and the Board is obligated to gather that information. Mr. Clark asked if the Board asked for only the written policy would that make the process less cumbersome. Ms. O'Leary responded that in that case if the Programs didn't have written policy they would not ever be obligated to write them or submit them to the Board. There was a general consensus among board members to remove the word 'all'. Ms. Neihart expressed her desire to add to the requested list education to include the student's access to education, what is not available.

Mr. Clark called for a 15 minutes break.

Upon re-convening Mr. Clark asked for comments from the public attending today's meeting. Particularly he asked that comments be directed to: Is there anything is New Rule # 4 you simply cannot live with?

Is there anything in New Rule # 4 that you think should be included and it is not?

Barbara Sullenger: Ms. Sullenger is unsure exactly what the board wants when it asks for Program descriptions.

Linda Carpenter representing MAAP: Ms. Carpenter rose to address the items that are not in statute that the Board will be addressing:

- the term "detail" in rule 1 & 2,

- 4 (a) list of all staff and

- (f) the complaint process.

MAAPP will support the inclusion of these items as the Board proceeds with its work.

Ms. Carpenter also asked to address a question that came from Ms. Brooker and Ms. Neihart in regard to smaller Programs. According to Ms. Carpenter it is MAAPP's intention to spend a lot of time helping smaller Programs by sharing education and seminars to help the Program put theses policies into place and even sharing services such as certified trainers in de-escalation, cpr, and first aid. Ms. Carpenter also stressed that this effort should not be perceived as any effort to discount the concerns of the smaller Programs because they are very real.

Matt Thiel, Legal Council representing Spring Creek

Academy commented on sub (f) rule 4. This subsection is not included in statute. The bill was reviewed, amended and discussed in detail by legislators and Mr. Thiel questions whether legislators won't be concerned that this language in (e) goes farther than they would intend but when you just read the words, is unclear about what exactly an applicant will be required to provide. 'This seems like an onerous requirement that I would wonder what you would do with this information. So I have a lot of questions about how you would use in the regulatory process. Why you would require Programs to provide a list of every single employee. Do you currently require other Programs to submit this information? It seems like a very broad requirement that is beyond what the legislature intended and perhaps the information could be confidential. I would propose that this section be stricken'.

Gary Spaeth echoed what was spoken by Mr. Thiel. In addition he raised the issue of proprietary information. He questioned if any of the information to be potentially asked in the registration would not be proprietary. It suggested that though it may be acceptable for the Department to have the information is may not be ok for competitors to have the information.

Having heard the public comments Mr. Clark recommended that the Board begin a final review of new rule **NEW RULE IV** regarding application for registration.

APPLICATION FOR REGISTRATION (1) A Program applicant shall submit an application on a form prescribed by the department. The application must be complete and accompanied by the appropriate fees and the following documentation: (a) a detailed description of the Program and facility:

Mr. Clark supported the addition of the language "including but not limited to."

Having heard the public comment, Ms. Manning suggested that the board truly needs to delineate exactly what it means by 'detailed description.'

Ms. Alexine suggested that perhaps the delineation could occur in the actual application rather than in rule.

Mr. Clark stressed as per the Department, that unless those issues that the Board felt strongly about were in

rule they are not enforceable.

Mr. Clark offered several suggestions for discussion and that each is discussed in detail:

-Program history:

How long has this facility been in operation, details of a Program's genesis? What information will the general public want to know about this Program? Ms. Manning suggested this information could be gathered from the mission statement. Types of services provided now and types of services offered in the past and why did the services change. Mr. Clark expressed a desire to keep the question open ended. Ms. Alexine asked that the history also include the geographic/property/facility location history. Ms. Brooker commented that she understood that this information was in part C. Mr. Clark suggested that part C is really addressing more the activity of the Program and where they are taking place.

-Insurance coverage: Ms. Booker asked, 'What insurance, workers compensation, liability, etc? Mr. Clark explained that the question needs to be open ended. Some Programs have no insurance where others have a wide array of coverage. This is an issue that the board needs to look at for informational purposes only, not to use to make any determinations whatsoever about the Program.

-Employee benefits: Workman's Comp would be included in this topic. Mr. Clark stated that it is his belief that eventually the Programs and the Department will need to look at the Program's employment obligations.

The example that he provided was from his own Program where it became necessary for the Program to hiring staff as employees rather than independent contractors whereby needing to offer workman's compensation. It's his belief that in the arena of employments Programs will need to look at how they present themselves to the State of Montana in there employment practices.

Ms. Manning asked if the heading more accurately should then list the things that would be required by state to run a Program. Employee benefits could be a variety of items that the public doesn't necessarily need to know and that might risk Program confidentiality Ms. O'Leary suggested that workers compensation could be added to the insurance

category and employee benefits category could be deleted.

-Mission statement: Ms. O'Leary suggested that the order of the listings be mission statement, Program history, and insurance coverage including workman's compensation as that more accurately reflects the order of their importance.

-History of Services Provided:

Suggested by Ms. Worsech asking for what services have been offered in the past, what services are being offered now, and why the services changed.

Ms. O'Leary questioned the importance of this information but did believe that knowing what educational, psychological or perhaps outward bound/athletics services are crucial to know.

Ms. Manning asked if there needed to be a distinction between whether those services were offered by current staff or contracted services. It was determined that knowing what current services, i.e., educational, psychological or athletics services was all that was necessary, not who was providing the services within the facility. In the application these items would be listed individually.

Ms. Neihart asked that one addition be made to the list and suggested that knowing any Program professional or faith based affiliation, accreditation, or associations would be important information to have. This addition was made to the list.

Summary from Ms. Worsech

-a detailed description of the Program and facility, including but not limited to:

delete and facility,

Program mission statement, Program or facility history, on the application, in parentheses, would be, how long, and any other information that the Program would like to provide, insurance coverage, including worker's compensation, professional affiliations, and current educational, athletic, psychological and other services provided. On the registration application these services will be listed separately so applicants will understand what is expected.

Ms. Neihart asked if it is necessary to ask how children are housed i.e. private rooms, family style, dormitory style, etc., as most parents would ask concerned with the safety issues.

Ms. Manning suggested that the whole physical plan be included in (c) reducing the confusion by having the information concentrated in one place.

Ms. Alexine asked about the need to know about Programs having existed in another state or location and or any aliases that the Program may have used.

Ms. O'Leary suggested that this information should be included in Program history. Staff will include the language in the Program history section.

NEW RULE IV APPLICATION FOR REGISTRATION a detailed description of the population served by the Program;

(b) a detailed description of the population served by the Program. The Board approved this statement as it is written.

(c) the location of the facility or Program including all locations where services for participants will be provided.

The board recommended incorporating the recommendations for addressing Program description, housing for participants, and services provided in other locations, i.e. doctor or dentist services from the community.

Ms. O'Leary suggested that with the phrase on services provided, that '*are or will be provided*' is added.

New (c) then is, a description of the facility or Program including all locations where Program services to participants are or will be provided, and a description of how and where participants are housed;

(d) the contact information for each Program, including the person responsible for the conduct of the Program. The Board approved this statement as it is written.

(e) a list of professionals and supervisory employees and relevant credentials and other qualifications. The Board approved this statement as it is written.

(f) a list of all staff members working at or providing services for the Program not provided in (e).

Ms. Neihart expressed that she would be most interested in only staff that is providing direct services to children in the Program not included in (e).

Ms. Booker questioned if that would include janitors, support staff, cooks, etc. Ms. Worsch added that if the Program were an outdoor Program and they contracted with an outfitter, those individuals would have direct contact with Program participants.

Ms. Brooker asked if the information will be relevant after two years.

Ms. O'Leary suggested: a list of all individuals and/or entities, not included in (e), who provide services directly to Program participants.

She qualified the statement by saying that the information is important to know, for example, in the case of discovering that a Program has 3 professional staff and 35 non-professional staff tending to all of the needs of Program participants.

Ms. Manning asked if the rules require the names of all of the teachers, for example, if those participants attend the public school.

It was clarified that on the application form, beneath the section that lists the professionals and their credentials could be a section for listing the community entities that Program participants will receive services.

The question arose about the use of volunteers in Programs. It was determined that the question needs to be included on the registration application form.

The new (f): a list of all individuals and/or entities, not included in (e), who provide services directly to Program participants.

The board determined that (g) will be as written below with clarification offered in New Rule II.

(g) the average daily census as calculated in New Rule II;

The old rule (h) states: a copy of all Program policies and procedures, including but not limited to:

- (i) admission;
- (ii) behavior management,
- (iii) communication with family

members

- (iv) the availability of routine and emergency medical and psychological care
- (v) medication management
- (vi) complaint or grievance policies and procedures

Ms. Manning questioned the clarity of behavior management?

Towards that clarification (h) was written:

(h) a copy of Program policies and procedures, including but not limited to:

- (i) admission;
- (ii) behavior management, including discipline, punishment, consequences, incentives and use of seclusion and restraint;
- (iii) communication with family members
- (iv) the availability of routine and emergency medical and psychological care
- (v) medication management
- (vi) complaint or grievance policies and procedures

Ms. Brooker questioned the issue of grace periods for Programs who, for example did not have written policies and procedures. Ms. O'Leary clarified that there is a 60 day grace period in part 2. Programs will be encouraged to get their application in and provide the additional information within the grace period. Ms. Manning suggested that it could be that during the grace period Programs could receive support and assistance from other Programs for documenting their policies hence avoiding reinventing the wheel.

Ms. Worsech outlined the time line:

Notice of the rules with adoption occurring by December 1, 2005. Acceptance of applications can begin immediately with receipt likely into January. If a registration is lacking the Program will receive a letter from this office requesting the missing information and the 60 days grace period begins. The Program will have until March to supply the information. If the application expires the Program will need to reapply for registration.

Sections (2), (3), (4), (5), (6), (7) were renumbered and an addition of (8).

Mr. Clark asked that (8) be the offer of an incentive.

The incentive put forth was that for those Programs who have completed their registrations and submitted their fee are listed on the state web page as in compliance with state law. It is his expectation that the incentive will spread and that those Programs who have not participated will attend to the application. It is not licensing but by those who care, it will become common knowledge those that are listed and it will be a symbol that they have earned their salt.

It was also suggested that a time frame was necessary whereby all compliant Programs are listed live on the web page simultaneously. Ms. Manning expressed concern that this deadline may be confused with other time lines and would cause overwhelming confusion.

Ms. Worsch suggested that the rule be written broadly and that the Board could make a motion to have the information list live on the web page by April 15th.

Regarding sub. (5): Deemed completed and accepted registration applications will be issued a registration certificate by the department the board discussed the options. It was determined that a registration certificate would be most fitting as It will look like a license but say registration

MOTION: Ms. Booker moved that a registration certificate from the Department be issued to Programs who have submitted a complete and accepted registration application.

Second: By Ms. Manning.

Discussion: None

Vote: Unanimous

Motion Carried.

Ms. Worsch drew attention to
(7) As requested by the board each registered Program shall submit the necessary information and within the timeframe.

Ms. Worsch explained that the intent of the rule is such that the Board needs other avenues such as surveys for gathering information. Typically, survey participation is low but for this study it is imperative that thorough and complete information is gathered. If there are 40 Programs out there, we need to hear from 40 Programs in order to accurately report to the legislative committee in September.

Ms. O'Leary proposed a rewrite to the rule as follows:
Each registered Program shall submit the

necessary information requested by the board within the timeframe established by the board.

MOTION: Ms. Neihart moved that the rules be noticed as amended.

Second: By Ms. Manning

Discussion: None

Vote: Unanimous

Motion Carried.

The Board reviewed

NEW RULE V SITE VISITS (1) For the purpose of gathering data and information for the study, Programs may be visited by the board or its designee.

(2) Department staff will contact the person responsible for the conduct of the Program, as identified in the registration application, to request permission to visit the facility at least 7 business days prior to the intended visit.

Mr. Clark questioned if there is notice to this rule that the Program is consenting to a site visit in the signing of their application. Staff stated that it will be in rule if adopted and Programs are subject to a site visit.

Mr. Clark also questioned if the new rule only applies to registered Programs? Staff responded that this is the case as the rule is written but that it is certainly open to discussion.

Mr. Clark asked that we strike the word 'registered' from new rule 5.

MOTION: Ms. Manning moved that the word 'registered' be stricken from new rule 5.

Second: By Ms. Alexine

Discussion: None

Vote: Unanimous

Motion Carried.

Ms. Brooker asked if the intent of the rule was to call in advance of a visit to schedule a meeting. Staff responded that all visits would be scheduled in advance. Ms. O'Leary asked if it wouldn't be fitting to include an advance time reference in scheduling the site visits.

The Board asked that staff offer language to this effect.

New rule 2.

New language for rule 2 was proposed by staff from the incomplete work on page 5. The new language is as follows:

(1) "Average daily census" means the daily mean number of all participants served in a calendar year. This number is calculated by adding the total number of service days in a calendar year, as defined in subsection (3), and dividing that number by 365. New Programs will need to project the number of participants to be served.

(2) "Participant" means any youth or adolescent to whom services are being provided by the Program.

(3) "Number of service days" means any portion of a twenty-four hour period in which service is provided to one participant multiplied by the number of actual participants on that day.

A service day is defined 1 day and 1 participant. If a Program has 10 participants then that is equal to 10 service days.

Ms. Manning suggested that perhaps staff could offer a sample in the application for calculating average daily census.

MOTION: Ms. Neihart moved to notice new rule 2 as amended.

Second: By Ms. Manning

Discussion: None

Vote: Unanimous

Motion Carried

The Board stopped its business for lunch at 12:30pm. The Board reconvened its business at 1:10pm.

DLI staff updated the rules as per the proposed amendments. The amended rules were reviewed by the Board in their entirety and minor changes were made. The rules were accepted as read. Mr. Clark offered an opportunity for the public to make any additional comments.

Gary Spaeth:

Mr. Spaeth asked for clarification about the board requiring Programs to submit all of the Program policy and procedures. It is his belief that this request is outside the purview of the legislative intent and registration form. Admittedly he stated that Programs should have the information but if they don't, are they required to develop and submit it to the Department.

Mr. Clark referenced the statute, (37.48.103(3)(f) and stated that Programs would be required to submit the requested information. Without the information the Program registration will be entered into the data base as a pending application and won't be officially registered until the information is received by the Department.

Ms. Worsech further explained that the information gathered will be used by the Board as part of the study. It is not the intent of the Department to pass judgment regarding the Programs but simply to gather and compile the information to present to the legislative committee at the Boards direction. The quality of the information will not be measured by Department staff.

Ms. O'Leary stressed that according to 37.48.103 registration is not mandatory. A Program may decide that they are not going to register. If they chose to register they do need to submit an application according to statute and rule.

Ms. Manning stressed that it is so important to get Programs registered and that additional information can be gathered via other means, i.e. survey, site visits.

Mr. Spaeth spoke again emphasizing his earlier point.

Mr. Clark asked if a statement of hardship could be included in the rule.

Ms. Worsech stated that in the event of a legislative audit the Department would need to explain why, in some instances, we had the information and yet in others we did not comply with legislative intent.

Mr. Clark suggested, in light of the above, that the rule remain as is.

Barbara Sullenger questioned: A Program submits an application and it is deemed incomplete by the Department. Upon notification the Program attempts to provide sufficient information but in resubmitting the application is still deficient. Does the application expire because the 60 days is up and does the Program lose the registration fee? Ms. Worsech explained that the Department is here to help Programs engage in the registration process not to keep Programs out. Every effort will be made by staff to emphasize and support that this is a registration process.

**REGISTRATION
APPLICATION REVIEW:**

Ms. Worsch provided an overview of the application draft. The form is a standard application designed to align Boards with their statutes and rules. The form includes an:

- Instruction page,
- Application section for documentation and submission to the Department with requested documentation and the application fee,
- Notification of how long it takes to process an application. By law, the Department is obligated to process an application within 10 days,
- Inclusion of statute for defining purpose, and
- one addition which addresses 'regardless of length of stay'. The Board agreed that this was a useful statement.
- Fees & Registration, Staff will clean up the language in this section on the application adding the definition of average daily census. Also, a sample using the formula will be added.

-Question 9: Delete this question

Ms. O'Leary recommended that it may not be necessary to list the corporate officers, knowing where the Corporate head quarters are and in which state the business is incorporated is necessary. These questions will be added below question #2.

-Question 10 – delete.

-Question 12 – change to read: PLEASE LIST ALL OTHER PERSONNEL WORKING IN THE FACILITY OR WITH THE PROGRAM: (This may include, but not limited to, the local physician or nurse, counselors, wilderness outfitters or guides, maintenance and housekeeping staff, tutors, house parents, etc.) Add a question which identifies what entities have contact with the Program participants, i.e. schools, Dr. offices, etc.

Mr. Clark asked if the application needed to include a statement for non-qualifying Programs and what disqualifies them from registration. This information will be included at the beginning of the application.

Mr. Clark paused the Board's business to hear comments from the public.

Ms. Carpenter commented that many of the Programs are non-profit and that information is not noted on the application. It was agreed to add it at the beginning of the application.

Also, Ms Carpenter expressed concern in regard to

asking for staff social security numbers. Mr. O'Leary commented that this could be removed.

MOTION: Ms. Neihart moved that the Board approve the application form as amended and in accordance with the adoption of rules.

Second: By Ms. Alexine

Discussion: None

Vote: Unanimous

Motion Carried.

Survey Discussion: Ms. Worsech explained the process in using an internet survey. Costs incurred with an internet survey are done so based on the set-up fee and the number of respondents. For this Board those costs could be low given the survey would be given to Programs only and perhaps some public members.

It would be up to this Board to decide what questions need to be asked.

Ms. Reichenbach explained SPSS, a computerized data collecting and analysis Program which costs about \$300.00. There are educators in the state who could offer the Board technical assistance with use of the Program.

Secondly, she reported the possibility of contracting with a survey specialist at the University of Montana. Tim Conley is a professor within the school of Social Work who has drafted survey questions, administered surveys, and completed data analysis for groups within the State of Montana. His services would require a contract, not to exceed \$5,000.00.

Mr. Clark voiced believing that the topic of a survey was too large to address in today's meeting and suggested the appointment of a sub-committee.

Mr. Clark volunteered to serve as this committee's chair. Volunteers for this committee included: Jacqueline Rutzke, Linda Carpenter, Gary Spaeth, and Mickey Manning.

Mr. Clark invited Susan Fox from Legislative services to consider being a member of this committee. Ms. Fox responded by saying she would help in an advisory capacity.

Mr. Clark noted that he understood that Ms. Fox was involved with other aspects of human service, DPHHS. He expressed a desire to have DPHHS involved directly with this Board, fully supporting this process.

It is his belief that they could contribute greatly to the process as a whole and particularly the survey development. Mr. Clark compelled Ms. Fox to serve as an emissary and extended this Board's invitation to DPHHS.

Sources of Other Data:

Visits to other Professional Boards: Ms. Reichenbach reported that the Department is administratively attached to the helping professions such as Psychologists, Social Workers, Professional Counselors, Licensed Addiction Counselors, Nurses, & Doctors.

She questioned if this Board consider attending the open sessions of those board meetings and explaining HB 628 and the function of this Board. The Board agreed that staff and Board members should attend the next available board meetings for such as those listed above.

A letter will be drafted for distribution to these boards.

Mr. Clark suggested that other Departments should be contacted such as OPI & DPHHS. During the legislative session another bill was introduced that gave oversight of Programs to the Department of Public Health & Human Services. (DPHHS) That bill failed and oversight was given to this Board under the Department of Labor & Industry. Mr. Clark expected that there could be residual issues as a result. He asked that a letter of invitation to participate with this Board be sent to those other Departments.

COMPLAINT SCREENING PANEL:

NONE. According to statute, the Board will not be processing complaints.

Any complaints submitted to the Board office will be logged and maintained at the Board office until statute mandates procedure.

BOARD MEETING SCHEDULE:

September 26, 2005 Rules Noticed,

October 3, 2005 Survey Committee meeting by teleconference,

October 6, 2005, publication of rules,

October 26, 2005, Survey Committee meeting in

person or by teleconference to review survey progress and draft development,

October 27, 2005 Hearing to receive public comment,

November 3, 2005 Public written comment period closed.

November 16, 2005, earliest date for the Board to meet to review and make decisions regarding the rules. The Board can do an official adoption at this time. Presentation by the survey committee to the Board of progress made.

November 28, 2005, Notice of adoption filed,

Dec 8, 2005, Publication Date of the rules.

January 8, 2006, 30 day time frame for filing applications

March 1, 2006, 60 day application cut off date.

-Mr. Clark asked if committee meetings could be scheduled in conjunction with the above meetings. Mr. Clark asked that a draft of the survey be completed/finalized by October 26, 2005 either by e-mail or conference calls.

-Ms. Worsch suggested the use of a list serve for communicating with survey committee members.

-Ms. Alexine asked about the 'lack of teeth' within the Board and the laws to nudge Programs that are not inclined to participate. What incentive is there to promote their participation and compliance? Ms. Neihart stated that as the word gets out that Programs will understand that it is in their best interest to participate. This Board is charged with registration, gathering information and making recommendations. A report will be made to the legislature and it would be a wise to be involved in a process that will affect their livelihood.

-Ms. Neihart asked about scheduling of the site visits and when they will begin. Only one board member and one staff member will do a visit.

It was determined that the site visit check list needs to be developed before visits begin.

Mr. Clark asked that the survey committee absorb the task of develop the site visit checklist.

-Ms Neihart expressed an interest in gathering information about standards and ethics from other licensing and accrediting bodies. Ms. Neihart volunteered to chair a committee who would gather information from a multiple of sources.

The information would be used for education of this body and for comparison purposes. Joyce Sterkel and Mary Alexine volunteered to participate on this committee.

Does MAAPP have a list serve?

Does the Department have a list serve of Programs?

The definition of the purpose of the site visit?

OTHER:

LEGISLATION:

ADJOURNMENT:

Mr. Clark thanked the public for all of their participation and commended the board members and staff for all of today's accomplishments.

MOTION: Ms. Alexine moved to adjourn the meeting

Second: By Ms. Brooker

Discussion: None

Vote: Unanimous

Motion Carried.

DRAFT

Revised 87-159-05

MAAPP Practice standards

~~Proposed Ethical Principles, Practice Standards, and Licensure Process & Procedures~~

Definitions:

~~(1) "Board" means the board of private alternative adolescent residential or outdoor programs provided for in [section 1].~~

~~—(2) "Department" means the department of labor and industry provided for in 2-15-1701.~~

~~(23) "Program" means a private alternative adolescent residential or outdoor program that provides a structured, private, alternative residential setting for youth who are experiencing emotional, behavioral, or learning problems and who have a history of failing in academic, social, moral, or emotional development at home or in less-structured traditional settings.~~

~~(b) The term does not include:~~

~~(i) any program that is required to be licensed or regulated by the state under Title 50, 52, or 53;~~

~~(ii) recreational programs such as boy scouts, girl scouts, or 4-H clubs;~~

~~(iii) organizations, boarding schools, or residential schools with a sole focus on academics;~~

~~(iv) residential training or vocational programs with a sole focus on education and vocational training;~~

~~(v) youth camps with a focus on recreation and faith-related activities; or~~

~~(vi) an organization, boarding school, or residential school that is an adjunct ministry of a church incorporated in the state of Montana.~~

~~(34) "Average Daily Census" (ADC)— is defined as the daily mean number of participants served in a calendar year. This number is calculated by adding the total number of service days provided for all clients in a calendar year and dividing that number by 365. A service day is considered all or any portion of a twenty-four hour period in which service is provided to one participant.~~

~~(45) "Sentinel event"— is defined as an incident in which there include fatalities, including suicide, and accidents; loss of limb, vision or function as result of accident or self harm and reported allegations of abuse that resulted in an investigation and finding of fact. Sentinel events will exclude any losses or near misses that are the result of illness or physical disabilities unrelated to the program.~~

~~(5) "seclusion"—is defined as a procedure that isolates a program participant from human contact.~~

**Proposed Practice Standards
for
~~Private Alternative Adolescent Residential and Outdoor programs~~
MAAP**

1.0 ADHERENCE TO STATE AND FEDERAL LAWS

The program shall adhere to all applicable state and federal laws in conducting the operation, including administration, hiring and employee practices, observance of safety regulations, and the care of program participants.

2.0 ADMINISTRATIVE PRACTICES AND PROCEDURES

The program has a responsibility and duty to strive to provide its program participants with appropriate ethical and professional service in all areas of operations.

- 2.1 The program will have a written plan for governance, program administration, and professional services. The Plan includes the following elements.

2.1.1 Introduction and history of the program.

2.1.2 A delineation of the responsibility of the owner or governing body including, policy development, responsibility for implementation, compliance, amendment, and oversight of the policies.

~~2.1.2.1 The program owner or governing body has sufficient resources to make policy, to hold the program's mission in trust, and to monitor the program's activity and programs.~~

~~2.1.2.2 The program's owner or governing body provides fiduciary oversight and resources adequate to support the realization of the program's mission.~~

~~2.1.2.3 The owner or governing body has a strategic plan that is supported by a financial plan.~~

~~2.1.2.4 The owner or governing body regularly evaluates its effectiveness.~~

2.1.3 Mission Statement.

- 2.1.4 Philosophy of the program.
- 2.1.5 Description of the population the program serves, including admission, non-admission, and discharge criteria.
- 2.1.6 Description of services provided.
- 2.1.7 Explanation of Organizational Structure including an organizational chart if applicable.
- 2.1.8 Tuition / Fee statement including all ancillary cost, and refund policy.
- 2.1.9 A plan for self-evaluation and program improvement.

2.2 The program shall have proof of general liability, professional liability, fire, and vehicle insurance coverage as appropriate.

2.3 The program will follow accepted accounting practices.

2.4 Programs will:

2.4.1 Represent facts truthfully to program participants and third-party payers.

2.4.2 Disclose fully all costs and fees for service.

~~2.4.3 ———— Respect copyrights, trade authorship, and proprietary information, and will not plagiarize or use materials, documents, or resources from other sources or programs without permission.~~

2.4.34 Not use a name or marketing strategy that misleads the public or makes guarantees of outcome to consumers.

2.4.4 ~~2.4.5~~—Disclose fully all ownership and financial relationships between associated programs, services, and professionals where there is a potential for a conflict of interest.

2.4.6 Disclose fully to the board in the application process any past sanctions, licensure/accreditation revocation, and criminal conviction against any program, program owner, board of directors or executive officer.

3.0 EMPLOYEE PRACTICES

~~The program will only provide services (including assessment services), that lie within the scope of the service and the training and qualifications of its staff.~~ The program will accurately and factually represent the competence, education, training, certification, and experience of its employees.

3.1 Hiring Practices

3.1.1 Applicants are required to complete an Application for Employment. The applications form must include the following:

3.1.1.1 Previous place(s) of employment.

3.1.1.2 Signature, verifying that all information is correct and factual.

3.1.2 Upon extending an offer for employment, the program will obtain:

3.1.2.1 A criminal background check ~~that includes a fingerprint check.~~

3.1.2.2 A minimum of two ~~professional~~ references (written or verbal).

3.1.2.3 Proof of credentials for licensed professionals.

3.1.2.4 A medical examination or statement signed by the employee assuring fitness to execute the physical and mental requirements delineated in the job description.

3.1.2.5 If the employee is required to drive a company vehicle, or transport program participants in his/her own car, the Department of Motor Vehicles will be contacted to determine that the respective employee has a valid driver license and to obtain a driving history. The employee will furnish proof of adequate collision and liability insurance.

~~3.1.3 The program will have a process to describe the qualifications for all program staff, employees and faculty as appropriate to its mission and goals.~~

3.2 On-Going Employee Practices

- 3.2.1 Each employee will have a written job description. The job description will include the following:
 - 3.2.1.1 Job title.
 - 3.2.1.2 Duties and responsibilities.
 - 3.2.1.3 Minimum level of education, training and work experience required for the position.
 - 3.2.1.4 Physical demands of the position.
 - 3.2.1.5 Lines of authority. (Delineation of supervisory responsibility)
- 3.2.2 The program shall have written Employee Policies and Procedures that will include policies on:
 - 3.2.2.1 New Employee orientation procedures including:
 - 3.2.2.1.1 Orientation in philosophy, objectives and services.
 - 3.2.2.1.2 Emergency procedures. (Fire, Disaster, etc.).
 - 3.2.2.1.3 Current program policy and procedures including Behavior management.
 - 3.2.2.1.4 First aid and CPR training.
 - ~~3.2.2.1.5 Statutory responsibilities, including those covered by state and federal laws.~~
 - 3.2.2.2 Continuing staff training and development.
 - 3.2.2.3 Performance appraisals.
 - 3.2.2.4 Methods for filing and addressing employee grievances.
 - 3.2.2.5 Disciplinary actions, termination, and discharge practices.
 - 3.2.2.6 Sexual and other forms of harassment or misconduct.
 - 3.2.2.7 Abuse reporting laws

- 3.2.2.8 Vacations, holidays, illness, extended leave, military leave, and jury duty.
- 3.2.2.9 Volunteers, interns, and contract personnel if applicable.
- 3.2.2.10 Confidentiality and information disclosure within the limits recognized by appropriate professional standards, including state and federal regulation.
- 3.2.2.11 Transporting program participants and their parents/guardians.
- 3.2.2.12 Prevention and investigation of allegations levied by program participants regarding employee misconduct.
- 3.2.2.13 The program will describe employee benefits.
- 3.2.2.14 The program will obtain a criminal background check for all volunteers and contract employees who have unsupervised direct contact with the students and a driving history for those who will transport participants.

3.3 Personnel File

- 3.3.1 The program will maintain a personnel file on each employee that includes:
 - 3.3.1.1 Application and/or resume
 - 3.3.1.2 Background clearance and driving history if applicable.
 - 3.3.1.3 Proof of credentials including education, licensure, certifications, etc. as applicable.
 - 3.3.1.4 Proof of medical examination or statement of ability to perform duties.
 - 3.3.1.5 Signed job description.
 - 3.3.1.6 Documentation of new employee orientation ~~and ongoing staff development training.~~
 - 3.3.1.7 Performance evaluation(s).

- 3.3.1.8 Emergency contact information.
- 3.3.1.9 Documentation of disciplinary actions, termination or discharge.
- 3.3.1.10 Signed confidentiality agreement regarding the exchange of information concerning program participants, their families, and fellow workers.
- 3.3.1.11 Copy of driver's license (if employee is required to drive a company vehicle as part of the job).
- 3.3.1.12 Documentation of employment status e.g., hourly, salary, part-time, full time, exempt, non-exempt, etc.

4.0 ADMISSION/DISCHARGE POLICY

The program will have a written Admission Policy that defines the enrollment criteria. ~~and delineates inclusion and exclusion criteria. Such criteria will be consistent with the mission of the program.~~ Admission forms will provide pertinent history including family, medical, psychiatric, developmental, and educational background information.

- 4.1 The Admissions screening process will examine the physical, emotional, behavioral, and academic history, in order to determine whether the program is appropriate in light of the prospective participant's needs and limitations
- 4.2 The program will provide program participants, parents, legal guardians, or other pertinent parties with a clear and informed statement of the nature of the services that will be provided including risks associated with these services.
- 4.3 Upon admission, a file will be created and maintained for each program participant, containing the following:
 - 4.3.1 Demographic information including emergency contact information.
 - 4.3.2 Basic medical, family, behavioral, legal, educational, information including past and current assessments.
 - 4.3.3 A signed statement indicating receipt of a copy of a statement of Participants Rights and Responsibilities, or a witness attesting to the participant's refusal to sign.

- 4.3.4 Contract, release and consent forms.
- 4.3.5 Documentation of communication with parents, legal guardians, payer sources, and other parties as determined by policy or required by law.-
- 4.3.6 Photograph unless denied by parent or guardian.-
- 4.3.7 Copy of any grievance filings and action taken.
- 4.3.8 Documentation of services rendered including relevant available summaries of treatment plan(s), academic plan, (s) discharge summary (ies) and transcripts. ~~Such records may not be released or examined by the Board except for purposes of an on-site review.~~
- 4.4 The program will conduct on going assessment to determine appropriateness of continued placement.
- 4.5 Upon termination or discharge of a program participant, the program will make ~~appropriate~~ recommendations for continuing _____ care and/or education according to program policy.-

5.0 BEHAVIOR MANAGEMENT

5.1. A program must:

- 5.1.1. Develop and implement written policies that govern the use of behavior support and management techniques.
- ~~5.1.2.~~ Fully inform program participants and his/her family regarding the behavior support system at the time of admission. ~~(Level system, pre-determined consequences for certain adaptive and maladaptive behaviors).~~
- ~~5.1.2.~~ _____
- ~~5.1.3.~~ Employ the least intrusive method possible to assure the safety of all parties concerned (i.e. the individual child, other program participants and staff).
- ~~5.1.4.~~ 5.1.3. When faced with the necessity of applying interventions, protect as much as possible, the dignity and privacy of the program participant.
- ~~5.1.5.~~ 5.1.4. Have a written policy that describes regarding the appropriate use of group consequences ~~and describe limits on such consequences.~~

- 5.2. A program must specify procedures and interventions that are prohibited. At a minimum, ~~the following are prohibited~~ programs agree to not employ:
 - 5.2.1. Procedures that deny an ~~nutritionally~~ adequate diet.
 - 5.2.2. ~~Physically abusive~~ Corporeal punishment.
 - 5.2.3. ~~Any behavior support intervention that is~~ Consequences implemented by another program participant without ~~the expressed consent of a staff member~~ approval.
 - 5.2.4. Any behavior support management intervention that involves the use of any process or technique that includes unsupervised seclusion, restraint, therapeutic holding, or passive holding as a regular component of behavior support except in emergencies as noted in 5.3.3 below.
 - ~~5.2.5. Application of consequences that are not in accordance with the program participant's rights.~~
- 5.3. The program shall have a written Behavior Management Plan that describes:
 - 5.3.1. ~~—~~How human dignity and rights will be respected in the application of behavior management practices.
 - 5.3.2. Procedures for handling emergency situations such as suicide, abuse, assault, and runaway.
 - ~~5.3.3.~~ Notwithstanding 5.2.4 above, a policy that describes the emergency use of any process such as seclusion, restraint, therapeutic holding, or passive holding that are authorized when required in an emergency situation in which there is an imminent threat to life or physical safety of program participants, staff or others. Private adolescent residential and outdoor programs do not use any of these processes on a regular basis and such policies would only apply to emergency situations.
 - ~~5.3.4.~~ 5.3.3. ~~Acceptable and non-acceptable consequences.~~
- 5.4. On going training procedures for employees.
 - 5.4.1. Staff are trained and competent in the use of the behavior support policy and procedures.

6.0 PARTICIPANT RIGHTS AND RESPONSIBILITIES

6.1 The program will have a written statement of Program Participant Rights and Responsibilities as appropriate to the setting, purposes, and pertinent state and federal law. Such ~~statement policy~~ will include statements regarding the following rights:

6.1.1 To receive care or services within the program's capability, mission, and applicable law and regulations.

~~6.1.2 Freedom from discrimination.~~

~~6.1.3~~ 6.1.2 The expectation of a safe environment with respect of human dignity.

~~6.1.4~~ Respect for privacy of information and records of each individual and family served.

~~6.1.5~~ 6.1.3

~~6.1.6 A description of any restrictions in communication or visitation.~~

~~6.1.4 A description of any restrictions in communication or visitation~~

~~6.1.7 6.1.6 A description of privileges and limitations for participants.~~

A description of privileges and limitations for participants.

6.1.5

~~6.1.6 6.1.7~~ A description of policies governing access to religious ~~s~~ services and practices.

~~6.1.78 A statement indicating that if the program retains the right to maintain contraband free environment The program will and that it will~~ make known any search or testing procedures used in ~~this effort~~ order to maintain a contraband free environment.

6.1.89 Procedures for participant grievance and complaint will be clearly outlined along with a statement guaranteeing freedom from retaliation for making complaints.

- 6.1.910 A diet that is ~~nutritionally~~ sufficient for age and activity level.

7.0 HEALTH CARE ACCESS

- 7.1 The program will have a policy on health care that addresses the following issues:
- 7.1.1 Access to appropriate medical care.
 - 7.1.1.1 Participant access to first aid and CPR.
 - 7.1.2 Description of the protocols, process and roles of individuals that are involved in the administration of medication
 - 7.1.3 Medication security, storage, administration, dispensation, storing, accounting, and the disposal of out-dated, or discarded medications.

8.0 SAFETY

- 8.1 The program shall have ~~Plant, Technology and~~ Safety Policies and Procedures containing the following:
- 8.1.1 A fire and disaster plan which includes the following:
 - 8.1.1.1 Delineating responsibility of all employees in the event of fire or other disasters
 - 8.1.1.2 A description of available emergency services, escape routes, relocation plans, and other contingency plans.
 - 8.1.1.3 Documentation of all fire and emergency drills.
 - 8.1.1.4 Policies concerning staff training for emergencies and access to emergency medical care.
 - 8.1.1.5 A safety committee or individual will be responsible for risk management as well as training and implementation of emergency procedures.
 - 8.1.2 A policy or procedure for equipment maintenance and repair
 - 8.1.3 An Infectious Disease Control policy

- 8.14 A policy on the transportation of participants that addresses risk management.

8.2 The program shall have a policy that describes an adequate staffing pattern for the program .

9.0 INCIDENT REPORTING

- 9.1 The program will have an Incident Reporting policy and procedures, including a reporting mechanism to the owner/governing body.

10.0 PHYSICAL PLANT

The program will have facilities of a sufficient size, space, configuration, and condition to support the balanced integration of its programs and services, and manages its physical plant to keep risk within acceptable parameters for the participants as appropriate to the program's mission and goals.

BOARD OF PRIVATE ALTERNATIVE ADOLESCENT RESIDENTIAL OR OUTDOOR
PROGRAMS
Board Meeting
Lakeside Motel & Resort
Trout Creek, MT
November 16, 2005
MINUTES
OPEN MEETING
11:00am – completion

Americans with Disabilities Act	The Department of Labor & Industry is committed to providing meeting access through reasonable accommodation under the Americans with Disabilities Act. Please contact the Board office prior to the proposed meeting date for further information.
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CALL TO ORDER:	11:00 A.M. Chairman Paul Clark called the meeting to order at 11:00am.
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Board Members	Michele Manning Representing Residential Adolescent Programs (Large Size Programs)
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Mary Alexine
Representing Residential Adolescent Programs
(Medium Size Programs)

Paul Clark
Representing Residential Adolescent Programs
(Small Size Programs)

Commissioner Carol Brooker
Public Member

Dr. Maureen Neihart
Public Member

DLI Staff	Cynthia Reichenbach, Program Manager Anne O'Leary, Board Counsel, by telephone
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Guests	Ryan Fields Holli Richardson Glen Schenavar Evelyn Schenavar Jacqueline Rutzke Linda Carpenter Joyce Sterkle Sue Weingartner
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Joe Frields
Marilyn Frields
George Hart
David McGonagle
Denice Ware
Mary Theilbarh
Sandy Gobel
Kathy Nussberger
Penny James
Jill Fairbank

REVIEW OF AGENDA:

MOTION: Ms. Alexine moved to accept the agenda as submitted.
Seconded by Ms. Manning.
Discussion: None
Vote: Unanimous
Motion carried.

APPROVAL OF
Minutes:

September 8, 2005 Minutes.
Motion: Ms. Manning moved to approve the minutes as written.
Seconded by Ms. Alexine.
Discussion: None
Vote: Unanimous
Motion carried.

PUBLIC COMMENT
STATEMENT:

In accordance with 2-3-103(1), MCA, the Board will hold a public comment period. Please note that Open Forum is the public's opportunity to address the Board on any topic. While the Board cannot take action on the issues presented, the Board will listen to comments and may ask the issue be placed on a subsequent agenda for Board consideration and possible action. The Chairperson of the Board will determine the amount of time allotted for public comment.

BUDGET/FINANCIAL:

C. Reichenbach, SABHRS, State Accounting & Budgeting
Motion: Carol Brooker moved to approve the budget as presented.
Seconded by Ms. Neihart
Discussion: A representative from Turn Around Ranch asked about renewing a registration application. If a facility experiences an increase in students, how are that facility's fees calculated at renewal time?
Ms. Reichenbach explained that a fee is not mandated legislatively at this time for renewal. HB 628 registration is written so that the registration fee

applies to the 2-year study period.

Penny James commented that there does not seem to be a formula for the current fee break down for Programs. She asked that careful consideration be given to a different breakdown per student per facility.

Vote: Unanimous

Motion carried.

NATIONAL, STATE, & GENERAL CORRESPONDENCE

Board chair Paul Clark opened the meeting to Programs to share details about the types of services that are offered in their facilities. Summaries were offered from the following programs:

Holli Richardson, Three Rivers Montana

Joyce Stickel, Ranch for Kids

Marilyn Fields, 20 Peaks Ranch

Chairman Clark asked if there was any representation from the Montana Department of Health and Human Services participating in today's meeting.

None were present. Mr. Clark expressed concern over the lack of participation by that Department and the need for this Board to hear their concerns, comments, and recommendations. Board staff will continue its efforts at extending invitations to the DPHHS in hopes that they will attend and participate.

Montana Alternative Adolescent Private Programs (MAAPP)

Linda Carpenter, Treasurer, for MAAPP reported that the Association met last week and formally adopted best practice standards and ethical principles. The Association asks that their documents become part of the public record and that the Board consider their recommendations in conducting their business. The MAAPP documents are attached to these minutes. The Association goal in approving the draft is to ensure best practices of Programs and to ensure the safety of students and their families.

Ms Neihart asked if the section on "behavior management" is designed to be a separate section. Ms. Carpenter said yes.

Ms. Neihart also questioned the procedures on filing grievances. She commented that in chairing the ethics and standards committee she had discovered that many States and Associations do not address the issue. Ms. Carpenter stated that MAAPP does address grievance issues and referenced them within the

The National Association of
Therapeutic Schools and
Programs (NATSAP)

drafts, (section 6.1.8).

Penny James spoke on behalf of NATSAP.

Ms. James serves on the National Board along with
John Mercer and John Santa, also from Montana
schools.

Ms. James commented that the Association is paying
close attention to the legislative activities in Montana
such as the appointment of the Board. She extended
NATSAP's support of the process in Montana for
studying Programs in order to determine the need for
regulation.

PROPOSED BOARD RULES
Review of Public Comments
from the October 26, 2005
rules Hearing.

Ms. O'Leary explained the rules process and
presented the oral and written comments and
responses. The final adoption notice is attached
to these minutes. Board action is as follows.

New Rule 4(1)(e)

MOTION: Mary Alexine moved that all of (e) be
struck from [new rule 4\(1\)\(e\)](#)

Seconded by Ms. Manning

Discussion: None

Vote: Unanimous

Motion carried.

[New Rule 4\(1\)\(g\)](#)

MOTION: Mickey Manning moved that the word
"all" be struck from [new rule 4\(1\)\(g\)](#)

Seconded by Ms. Alexine

Discussion: None

Vote: Unanimous

Motion carried.

[New Rule 5 Complaints and Grievances](#)

[No](#) action

[New Rule 4\(g\)\(vi\)\(E\)](#)

MOTION: Dr. Neihart Manning moved that the
word ["restraint"](#) be changed to ["restraints"](#)

Seconded by Ms. Alexine

Discussion: None

Vote: Unanimous

Motion carried.

MOTION: [Ms. Manning](#) moved to [adopt the draft](#)

[rules as amended](#)

Seconded by Dr. Neihart

Discussion: None

Vote: Unanimous

Motion carried.

COMMITTEE REPORTS

Survey Committee

Paul Clark

Tim Conley

Jacqueline Rutzke

Linda Carpenter

Mickey Manning

Gary Spaeth

Mr. Clark reported that this committee met at 11:00am today and edited and revised the online survey. An updated survey is attached. The recommended changes will be submitted to Tim Conley by Board staff for updates in SurveyMonkey.com. The final draft will be approved at the next Board meeting.

MOTION: Ms. Neihart moved to adopt the amended survey as presented.

Seconded by Ms. Alexine

Discussion: None

Vote: Unanimous

Motion carried.

Ethics & Standards Committee

Maureen Neihart

Joyce Sterkel

Mary Alexine

Dr. Neihart is the chair for this committee. She reported that committee members have done much research and data gathering individually and have participated in one committee meeting. The committee members studied national associations, and other states in the northwest that regulate programs. Their research revealed a pattern among states that tended to be quite prescriptive such as the administrative rules from Department of Public Health and Human Services in Montana. The professional organizations tend to maintain about ten core standards, are less prescriptive, and tend to have much variety in terms of how specific they get about their standards.

Ethical standards tend to be painted with a broad

brush for both the States and the professional associations.

Ms. Neihart reported that it would be premature to make any standards recommendations to the Board at this time. This is based on the fact that neither the committee nor the Board has an idea of what Programs in the state of Montana are currently doing. Once the applications, survey results, and site visits are complete the Board and this committee will be better equipped to make some recommendations.

Chairman Clark asked how the committee secured the Administrative rules of Montana from DPHHS. Ms. Neihart reported that the rules were downloaded from the web site by Board staff and distributed to committee members.

For the record, Mr. Clark again expressed great concern over the lack of participation from DPHHS with this Board and particularly this committee. The Department supported another bill (SB101) during the last legislative session and had many comments during those proceedings. It is concerning that they have no comments now.

During each previous board meeting Mr. Clark has extended an invitation to DPHHS to attend and offer input to this process. To date they have neither sent a representative or submitted written comment.

Registration Application Draft Review

The registration application was updated in response to the approved rules as follows:

MOTION: Dr. Neihart moved to delete on page 2, 4a, "list of all staff members working at or providing services for the program", and 6 f "(all i.e., program, staff, students, parents, etc)"
Seconded by Ms. Alexine.

Discussion: None

Vote: Unanimous

Motion carried.

Question #12

MOTION: Ms. Manning moved to remove item #12 from the application.

Seconded by Ms. Alexine.

Discussion: None

Vote: Unanimous

Motion carried.

Question #13:

MOTION: Dr. Neihart moved to delete "all" and add "ongoing" before the word services and add (i.e. public schools, clinics, hospitals, social services, etc) at the end of the question.

Seconded by Ms. Manning.

Discussion: None

Vote: Unanimous

Motion carried.

MOTION: Ms. Manning moved to adopt the draft registration application as amended.

Seconded by Mary Alexine

Discussion: None

Vote: Unanimous

Motion carried.

Site Visit Check List

Mr. Clark reported that the Survey Committee will meet during the first week in December to develop the site visit check list. The draft will be presented for review by the full board at the next full board meeting.

Schedule for Contacting
Programs – Staff & Board
member availability

Mr. Clark recommended that board members provide specific times and dates of their availability to participate in site visits to Department staff in order to complete as many visits as possible. Targeted dates for visits are January 1, 2006 - February 1, 2006.

Ms. Manning recommended that Department staff and Mr. Clark draft a letter to programs announcing the forthcoming plans to visit.

Programs participating in today's meeting volunteered to be first in scheduling visits. Those Programs include:

20 Peaks Ranch, Spring Creek, Hope Ranch, and Ranch for Kids.

Format for the report to the
Legislative Committee

"Questions A Legislator Should Ask" pamphlet.

Mr. Clark emphasized that the pamphlet should be viewed as a format for drafting the report to the legislative committee in September 2006.

Information from the application registration, surveys, and the site visits will be compiled (quantitative data).

An attempt will be made to interpret the information by correlating it to other standards from other States, Montana, and National Associations.

Once the comparison is made what will be our final statement?

Ms. Neihart commented that the document should contain an account of how the board proceeded. This would reinforce credibility by identifying who participated, who did not, what was the process, how was the data collected, how the Board involved others, i.e. (methods).

1. Methods
2. Present the data that was collected
3. Standards from other states
4. Appendix
5. Conclusions

Ms. Neihart announced that she will be leaving the country by June and expects to be unavailable beginning March 1, 2006.

Ms. Neihart suggested that perhaps the Board could begin drafting the report. Initially, the report should include some history, how this Board came to be. Second, the report should include methodology.

Mary Alexine and Ms. Manning will provide the historical perspective for the report.

Ms. Neihart and Ms. Brooker will provide the methodology section.

Mr. Clark will participate in both.

Both reports will be prepared by January 15, 2006.

MOTION: moved
Seconded by Ms.
Discussion: None
Vote: Unanimous
Motion carried.

COMPLAINT SCREENING

NONE. According to statute, the Board will not be

PANEL & ADJUDICATION
PANEL

processing complaints.
Any complaints submitted to the Board office will be logged and maintained at the Board office until statute mandates procedure.

BOARD MEETING SCHEDULE:

COMMITTEE MEETING
SCHEDULE:

December 1, 2005:
Survey & Site Visit Committee 3:00pm-5:00pm
Conference Call
Development of site visit checklist draft.

December 15, 2005: Full Board, 3:00pm-5:00pm
Conference Call
Review survey draft.

January 5, 2006, Full Board, 9:00am-completion,
Helena, MT

January 26, 2006, Full Board, 1:00pm-completion
Legislative concept proposals,
Site visit reviews,
Report to the legislative committee.

OTHER

Certificate review. Board staff showed samples of the program certificates to be offered upon approval of the Programs application. Staff will create other samples to be shown at future meetings.

ADJOURNMENT:

MOTION: Ms. Manning moved to adjourn the meeting at 4:30pm.
Seconded by Ms. Neihart
Discussion: None
Vote: Unanimous
Motion carried

**BOARD OF PRIVATE ALTERNATIVE ADOLESCENT RESIDENTIAL OR
OUTDOOR PROGRAMS
SURVEY QUESTIONS
COMMITTEE MEETING by conference call
December 1, 2005
MINUTES
OPEN MEETING
3:00pm – 5:00pm**

**Americans with
Disabilities Act**

The Department of Labor & Industry is committed to providing meeting access through reasonable accommodation under the Americans with Disabilities Act. Please contact the Board office prior to the proposed meeting date for further information.

CALL TO ORDER:

Mr. Clark called the meeting to order at 3:00pm

Committee members

Paul Clark, Chair
Jacqueline Rutzke
Mickey Manning
Gary Spaeth
Sue Weingartner
ABSENT
Tim Conley
Linda Carpenter

DLI Staff

Cynthia Reichenbach, Program Manager
Anne O'Leary, Board Council

Guests

None

REVIEW OF AGENDA:

**PUBLIC COMMENT
STATEMENT:**

In accordance with 2-3-103(1), MCA, the Committee will hold a public comment period. Please note that Open Forum is the public's opportunity to address the Committee on any topic. While the Committee cannot take action on the issues presented, the Committee will listen to comments and may ask the issue be placed on a subsequent agenda for Board consideration and

possible action. The Chairperson of the Committee will determine the amount of time allotted for public comment.

Survey cover letters 1 & 2

The two survey letters drafted by Tim Conley and Paul Clark were reviewed. Jacqueline Rutzke recommended one change to the Initial Survey letter. The change is in the third paragraph, the line that reads, "Your answers are completely confidential and will be presented only as summaries in which no individual person can be identified." The sentence will be changed to "Your answers are completely confidential and will be presented only as summaries in which no individual person or Program can be identified and approved for use with the survey by this committee."

Site Visit Checklist Discussion

Mr. Clark clarified that ideally the board would receive all of the comments, both supported and non-supported items, drafted below in order to better understand all of the areas that the Committee covered in their discussions. Ultimately, the full board will make the decision about what is included in a site visit. How the items are listed below is certainly subject to change as the Committee or the Board deems necessary.

Ms. Manning asked what the overall objective to doing a site visit will be.

Mr. Clark offered that the site visit will serve to invite participants to actively engage in this Board's process, and to get additional information outlined in HB 628 that is not being gathered from either the application form or the survey.

Section 1: Welcome Aboard. Building Rapport

Answer any questions regarding:

1. HB628, the legislative process, why Programs are in support of registration.

2. Benefits of Board activities and invitation to participate

3. Board actions, decisions and potential for licensing

DISCUSSION:

Mr. Clark briefly explained each of the above bullets.

Ms. Manning expressed an interest in making certain that the comfort of the Programs is first and foremost in the site visits.

Section 2: The everyday functions of your Program.

DISCUSSION:

Mr. Clark briefly explained each of the bullets in this section. Ms. Weingartner recommended that the title include "observations" as the statutes require the Board to examine the quality of childcare. Mr. Spaeth commented that this section begins to sound onerous with a regulatory tone rather than a data gathering tool. Ms. Rutzke commented that no matter how the site visits are implemented there is the potential for a perceived threat. If the sites visit staff uses a checklist it could be viewed as an inspection. If a checklist and observation are used it could be perceived as subjective.

Ms. O'Leary recommended that a separate section titled 'observation' be added and the members agreed.

1. Have you experienced any problems completing the application? Are there any areas of concern? Do you need any help with completing the survey? Approved

2. What would you like to improve about your program?

There was much expressed concern with this entry. The members agreed to change the question to: How can the State Board registration

or licensing support your program?

3. What are your staff qualifications? Any certifications required?

The committee members agreed that this question is redundant as it is asked on the survey and the registration application. They agreed to delete this entry.

4. General overview of facility- condition, cleanliness, maintenance. Ms. O'Leary commented that this entry should be moved to the new observation section.

5. Are there animals present and kept? How are animals utilized and treated in the program? Ms. O'Leary commented that this is question is also included in the survey. She recommended though, that should be included in the observation section and commented on in the report.

6. What is participants' health/dietary/nutrition plan, if any? Is there a plan to address infectious diseases?

Mr. Clark recommended that this question be moved to the observation section. Mr. Spaeth asked if the visitors would get a copy of the plan. Ms. O'Leary commented that the question is redundant as it appears in the survey. Ms. Manning stated that she would hate to be a position of having to ask this question. Both parts of it border on privacy issues. Members agreed to delete this question from this section but move it to the observation section.

7. Have you had any difficulties with state agencies? This is perceived as a troubling question that begs for dishonesty. The committee agreed to change the question to: Describe your relationship with state agencies?

8. Have any newspaper or magazine articles

been written about your program? Approved. Members suggested that the site visitors ask for copies of the materials if they are available.

9. Are there any obstacles to your program's operation? Approved.

10. How are participants searched for contraband? Ms. O'Leary asked what constitutes contraband. It was determined that the Board should define the term. It was recommended that the question be changed to read: How do you manage contraband?

11. How is contact among program participants monitored? Approved.

12. What are program responses to acting out behavior? What is the policy regarding punishment or consequences for inappropriate behaviors? Members agreed that the language is threatening and agreed to change it to: How does your program respond to acting out or inappropriate behaviors?

Section 3: Community Involvement Local government - coordinate this with the hosting program

Talk with local communities including: Social workers, DPHHS staff, CPS, law enforcement, judges, youth probation officer, having contact with the Programs.

County commissioners

School administrators, teachers or board members if students attend public school

State Representatives & Senators

Local Newspapers

County Health Agency

Ms. O'Leary commented that this could be

perceived as a threat should the Programs not support visits with these other entities. HB 628 mandates however that the Board study and report on the schools/Programs interactions with the local community. Ms. Rutzke commented that perhaps a public meeting could be hosted during the site visit. All interested agencies could be invited to share information. These meetings however would be subject to the open meeting policy should the Department host.

It is speculated that the credibility of the Board's final report would be diminished if the only place that information is gathered from is the Programs themselves.

It was suggested that perhaps the site visit be done in two parts with the second visit hosted only after a solid relationship is established with the program.

Mr. Clark suggested that we ask for a list of entities that the hosting Program would like or be willing for the Board to visit.

The members agreed to present to the Board the following:

This local government/community section will be done with the understanding that the Program has been contacted and asked about which entities in their community that they believe should be contacted.

Section 4: Contributions of Program Participants interaction with Program participants, group discussion.

Committee members agreed that the site visit should include an opportunity to visit with students along with the Program staff.

It was determined that contact in a group setting with students and Program staff ideally would provide a setting for an open discussion. The site visitors could explain their roles and duties and students to ask questions and share any concerns that they may have.

Section 5: Observations

New section

Other Site visit questions

Is the community aware that the Program exists?
The Committee approved asking the Programs this question in addition to what are the intangible benefits to the Program's community.

What is the economic impact to the local community?

What is the contribution to the tax base (DLI/Revenue)

What are the costs to the community?

It was expressed that it is doubtful if the Programs would have the above information or if they did whether they would be willing to share it. It may be necessary to gather this information from other sources such as the IRS, Chamber of Commerce, etc.

Optional contacts

Contact with Senators and Representatives.

It was the consensus of the members that contact should be made with these individuals. Senators and Representatives should also be extended an invitation to a Board meeting. It will be this group that will hear the regulatory legislation, should a bill be submitted for the 2007 legislative session. It was determined that contact with them should be separate from the actual onsite visit with the Program so as to not compound any stress. It was also suggested that MAAPP be in contact with Senators and Representatives.

Gary Spaeth recommended that Board members visit one another's programs initially to work out any problems or potential problems in the site visit process.

Next meeting

December 15, 2005

ADJOURNMENT:

The above will be submitted for Board review at the next Full Board meeting. The meeting was adjourned at 4:00pm.

BOARD OF PRIVATE ALTERNATIVE ADOLESCENT RESIDENTIAL OR OUTDOOR
PROGRAMS

FULL BOARD MEETING

301 SOUTH PARK AVE

Helena, MT.

December 22, 2005 rescheduled for January 5, 2006

MINUTES

OPEN MEETING

9: 10am – 1: 00pm

Americans with
Disabilities Act

The Department of Labor & ~~Industry~~ is committed to providing meeting access through reasonable accommodation under the Americans with Disabilities Act. Please contact the Board office prior to the proposed meeting date for further information.

CALL TO ORDER:

Chair Paul Clark called the meeting to order at
9:10AM

Board members

Paul Clark, Chair
Mickey Manning
Mary Alexine
Dr. Maureen Neihart by phone

Absent
Carol Brooker

DLI Staff

Cynthia Reichenbach, Program Manager
Jeannie Worsech, Unit Supervisor
Anne O'Leary, Board Counsel

Guests

Jacqueline Rutzke
Sue Weingartner
Dennis McElwarrh
David McGonagle
Roy Kemp

REVIEW OF AGENDA:

MOTION: Ms. Manning moved to approve the agenda as presented.

Second: By Ms. Alexine

Discussion: None

Vote: Unanimous

Motion Carried.

**REVIEW OF THE November
16, 2005 MINUTES**

Ms. Neihart corrected page 8, by strike "Manning" from the seconded motion for New Rule 4(g) (vi) (E)

MOTION: Ms. Alexine moved to approve the minutes as amended.

Second: By Ms. Manning

Discussion: None
Vote: Unanimous
Motion Carried.

REVIEW OF THE
December 1, 2005 Site Visit
MINUTES

Paul Clark asked for clarification on Page 54, last sentence of paragraph 2 of the first survey cover letter. The sentence reads: "Your answers are completely confidential and will be presented only as summaries in which no individual person or Program can be identified and approved for use with the survey by this committee."

Ms. Weingartner asked about confidentiality of the survey responses and if in fact that was a true statement. Ms. O'Leary explained that the survey responses are open to the public; however information could be redacted from them before their release.

MOTION: Mr. Clark moved to change the question to "Your answers will be presented as summaries in which no individual person or Programs can be identified." In addition PAARP should be spelled out in the first paragraph.

Second: By Ms. Manning

Discussion: None

Vote: Unanimous

Motion Carried.

MOTION: Mr. Clark moved to approve the December 1, 2005 minutes as amended.

Second: By Ms. Manning

Discussion: None

Vote: Unanimous

Motion Carried.

PUBLIC COMMENT STATEMENT: In accordance with 2-3-103(1), MCA, the Board will hold a public comment period. Please note that Open Forum is the public's opportunity to address the Board on any topic. While the Board cannot take action on the issues presented, the Board will listen to comments and may ask the issue be placed on a subsequent agenda for Board and possible action. The Chairperson of the Board will determine the amount of time allotted for public comment.

Chairman Clark opened the meeting for public comment at 9:20am. One written comment from John Mercer, MAAPP President, was read. The e-mail extended a thank-you and support to the Board for its work on behalf of Programs. The message also offered MAAPP as a resource in the review of the site visit procedures and check list to be addressed on today's agenda.

Survey cover letters

Ms. Reichenbach explained that as recommended by Tim

Conley, survey drafter, two letters should be distributed to the target population. The first letter serves to announce the coming of a survey and to ask for participation. The second letter announces the survey arrival and stresses the importance of participation in order to secure the needed data.

Survey letter #1 recommended changes:
Change "PAAROP" to "PAARP" which is consistent with the Board's web page.

MOTION: Ms. Manning moved to approve letter #1 as amended.

Second: By Ms. Alexine

Discussion: None

Vote: Unanimous

Motion Carried.

Survey letter #2 recommended changes:

Ms. Neihart recommended moving sentence: "It is important that the Board make decisions based on the most accurate information available, not on hearsay, so your participation in this study is essential", which is in the third paragraph to the second sentence in the first paragraph. It presents introductory information and best fits in the opening of the letter.

Ms. Manning recommended that rather than the second sentence in the first paragraph, that it be the third sentence.

Spell out PAARP in the first paragraph and use the abbreviation throughout the letter.

MOTION: Ms. Neihart moved to move the last sentence in paragraph 3 to the last sentence in paragraph 1 and to spell out PAARP in the first paragraph.

Second: By Ms. Manning

Discussion: None

Vote: Unanimous

Motion Carried.

Ms. O'Leary asked if Mr. Clark intended a paragraph break at "I am contacting ...". He did. Further, she recommended that "Rep." on Rep. Paul Clark be spelled out.

Add contact information for the Board office to Chairman Clark's contact information.

Ms. Alexine recommended that the opening line identify the Board as conducting the survey.

MOTION: Ms. Alexine moved to approve the second letter as amended above.

Second: By Ms. Manning.

Discussion: None

Vote: Unanimous
Motion Carried.

The survey was reviewed by the full Board.

The following changes were recommended:

-On the heading, it was recommended that it read the State of Montana Board of Private Alternative Adolescent Residential or Outdoor Programs (PAARP).

-On question # 2 add educational consultants.

Chair Clark opened the meeting for public comment at this time and Dennis McElwrath spoke. Mr. McElwrath stated that his facility receives many referrals from law enforcement and encouraged the Board to add the item to question # 2. Chairman Clark remarked that there is a category titled "other" and the entry could be made there.

-On question #41 add a category of "other" with a box

MOTION: Ms. Alexine moved to approve the survey with the above changes.

Second: By Dr. Neihart

Discussion: None

Vote: Unanimous

Motion Carried.

Survey Launch Date

Ms. Worsch explained that the survey self-compiles and that Programs and individuals may access it on an ongoing basis to see the progress. Board staff will make the access information available to Programs via the second survey letter and by e-mail. It will not be necessary for the Programs to have completed the registration application in order to do the survey. For those Programs who do not have access to the internet, a hard copy of the survey will be made available along with instructions to return the survey to the Board office and the data will be entered by Board staff.

Mr. Clark asked if it was reasonable to allow 30 days for completion of the survey.

He also asked Ms. Neihart if that would allow enough time for her committee to review the data and incorporate into their work on the Ethics and Standards Committee.

1st. letter mailing: Monday January 9, 2006,
2nd letter mailing: Monday January, 16, 2006,
Reminder letter/e-mail: January 31, 2005
Deadline for survey completion: February 20, 2006
Survey goes live: January 16, 2006

MOTION: Ms. Alexine moved to approve the survey

Timeline as written above.
Second: By Ms. Manning
Discussion: None
Vote: Unanimous
Motion Carried.

Mr. Clark called for a 15 minute break at 10:30am. The Board reconvened at 10:50am.

Chair Clark reported on a conversation that he had with Mr. Kemp during the break. He reported that Mr. Kemp's Department would be having a meeting that will include a discussion of this Board. The meeting is scheduled for Friday January 13, 2006. Mr. Clark asked for ongoing participation from DPHHS and for input from any of the Division heads that may have an interest in Programs.

He stated being interested in how they feel specifically that they can contribute to this process and asked that they offer some topic presentation to the board about what they think is important to address as we move forward in this Board study process. Mr. Kemp agreed to the request and then left the meeting for another commitment.

Site Visit
Checklist
Discussion

Mr. Clark referenced the minutes from the Survey/Site visit Committee. The purpose of this discussion is to formalize the site visit checklist. These are the items that will be used to guide the site visit team through a visit. What is a site visit? What kind of information is important? How can a site visit be of help and assistance to the participants? How can the visit be an effective tool for gathering information and a non-threatening event for participants?

Mr. Clark stated that it is likely one site visit will vary considerably from any other visit, i.e. residential vs. wilderness programs.

Section 1: Welcome Aboard.
Building Rapport.

Answer any questions regarding:

1. HB628, the legislative process, why Programs are in support of registration.
2. Benefits of Board activities and invitation to participate.
3. Board actions, decisions and potential for licensing.

DISCUSSION:

Mr. Clark briefly explained each of the above bullet s . He stressed the importance of the site visit team creating a welcoming environment with this section. In addition, the team will need to be prepared with adequate knowledge about the questions to be asked.

Ms. Worsech addressed the need for consistency in approaching this section. She explained the potential for Board members doing site visits representing this Board

and the state of Montana without a very clear idea of exactly what is needed and the potential for unintentional misperception by the Programs. Consistency with bullets or perhaps a script was recommended. Credibility can only be built if the approach to the site visits is standardized as much as possible.

Mr. Clark agreed with Ms. Worsch and asked if the Board could just develop the skeletal structure and some ideas on bullets and have the Department iron out the details within the categories.

Ms. Alexine asked if her piece on the history for the legislative report could be distributed to the programs in advance to facilitate this process.

Ms. Worsch stressed the importance of Board members not expressing a personal opinion. The opinions expressed always must be the opinion of the Board.

Ms. Reichenbach stated that the next Board meeting is scheduled for conference call on January 26, 2006. Instead, of a conference call, she suggested a board meeting in Helena during the morning hours with Board training on site visits in the afternoon.

Section 2: The everyday functions of your Program.

1. Have you experienced any problems completing the registration application? Are there any areas of concern? Do you need any help with completing the survey?
 2. How can State Board registration or licensing support your program?
 3. Describe your relationship with state agencies. (in-state or out of state)
 4. Have any newspaper or magazine articles been written about your program? Approved. Members suggested that the site visit team ask for copies of the materials if they are available.
 5. Are there any obstacles to your program's operation?
 6. How do you manage contraband? It was recommended that the question be changed to: What do you consider to be contraband in your program and how do you manage it.
 7. How is contact among program participants monitored?
 8. How does your program respond to acting out or inappropriate behaviors?
 9. New question: Can you tell us what a typical day looks like for a participant in your program? Therapies 1: 1 or group sessions and who participates. Put it early on in section 2.
- Other Discussion:
- Ms. Manning asked that this section should include a

Section 3: Community
involvement Local government
- coordinate this with the
hosting program

question on living conditions, i.e. number of students per dorm.

Mr. Clark commented that in training we need to clearly define 'observation'.

Ms. Alexine questioned if there needs to be a question about what an average day looks like for a student and also what form or forms of therapy (1:1 or group sessions) are offered and who participates in them.

Mr. Clark emphasized that in HB 628 the Board is given clear direction to gather information on the interactions of programs with their local communities.

This was a section that the committee did not come to final conclusions but instead provide their comments and ideas for the Board's consideration. Their comments are below. Mr. Clark emphasized that the Board represents the interests of a child or parent interested in enrolling their child, not Programs.

Ms. O'Leary asked if the Department hosted a public meeting and no one showed would you consider that the Board has fulfilled its obligation to provide the information. This, as opposed to a method of scheduling individual appointments with the noted community entities. She further commented that the majority of the schools are concentrated in particular counties.

Mr. Clark suggested that hosting a public meeting should be the first option exercised with a backup plan to include scheduling a minimum of two individual appointments in the community should the public meeting be a no show.

It was concluded that all, including the general public, should be invited to the public meeting.

Minutes from 12-1-05:

Talk with local communities including:
Social workers, DPHHS staff, CPS, law enforcement, judges, youth probation officer, County commissioners, school administrators, teachers or board members (if students attend public school), State Representatives & Senators, local newspapers, County Health Agency.

Ms. O'Leary commented that this could be perceived as a threat should the Programs not support visits with these other entities. HB 628 mandates however, that the Board study and report on the Program's interactions with the local community. Ms. Rutzke commented that perhaps a public meeting could be hosted during the site visit. All interested agencies could be invited to share information. These meetings however, would be subject to the open meeting policy should the Department

host them.

It is speculated that the credibility of the Board's final report would be diminished if the only source of information is from the Programs themselves.

It was suggested that perhaps the site visit be done in two parts with the second visit hosted only after a solid relationship is established with the program.

Mr. Clark suggested that we ask for a list of entities that the hosting Program would like or be willing for the Board to visit.

This local government/community section will be completed with the understanding that the Program has been contacted and asked about which entities in their community that they believe should be contacted.

Section 4: Contributions of Program Participants interaction with Program participants, group discussion.

Committee members agreed that the site visit should include an opportunity to visit with students along with the Program staff.

It was determined that contact in a group setting with students and Program staff would ideally provide a setting for an open discussion. The site visitors could explain their roles and duties, and students could ask questions and share any concerns that they may have.

Ms. O'Leary expressed concern over the availability of students for such a visit due to school. The days will be very long for the site visit team. Mr. Clark recommended that those details could be ironed out by staff while arranging the visits

New Section # 5
Observations:

Mr. Clark asked that this section be fleshed out by staff compiling the information; clearly define observations, and how to process observations.

Ms. Neihart suggested that it would be helpful to identify any patterns, trends, or themes that are common to the Programs.

Ms. Reichenbach suggested that the categories be sorted and distributed to board members for additions or changes, Board staff will define and compile the categories and provide some bullets.

1. General overview of facility- condition, cleanliness, maintenance. Ms. O'Leary commented that this entry should be moved to the new observation section.

2. Are there animals present and kept?

3. What are participants' health/dietary/nutrition plans, if any? Is there a plan to address infectious diseases

Other Site visit questions

Paul Clark provided a summary of this section.

12:11:26

Ms. O'Leary questioned whether this information couldn't be gathered in the public meetings in section 3. All agreed.

Another resource for gathering the information should be the IRS and Department of Labor. All agreed.

Ms. Manning expressed that it could be useful to ask these questions as part of section 2. All agreed.

Is the community aware that the Program exists?

What are the tangible and intangible benefits to the Program's community?

What is the economic impact on the local community?

What is the contribution to the tax base (DU/Revenue)

What are the costs to the community?

It was expressed that it is doubtful if the Programs would have the above information or, if they did, whether they would be willing to share it. It may be necessary to gather this information from other sources such as the IRS, Chamber of Commerce, etc.

Optional contacts

Contact with Senators and Representatives.

It was the consensus of the members that contact should be made with these individuals. Senators and Representatives should also be extended an invitation to a Board meeting. It will be this group that will hear the regulatory legislation, should a bill be submitted for the 2007 legislative session. It was determined that contact with them should be separate from the actual onsite visit with the Program so as to not compound any stress. It was also suggested that MAAPP be in contact with Senators and Representatives.

Mr. Clark recommended that these officials be invited to the public meetings via a phone call from a board member. He further recommended that at least two written contacts be made: a progress report of sorts.

Mr. Clark recommended that Sue Weingartner could possibly spear head this project. Ms. Weingartner consented to working with Ms. O'Leary is accomplishing the task.

MOTION: Ms. Alexine moved to approve the above recommendations as proposed.

Second: By Ms. Manning

Discussion: None

Vote: Unanimous

Motion Carried.

Board member Resignation Procedure

Ms. Neihart is scheduled to move abroad between March and June of 2006. Ms. O'Leary explained the board member resignation process. Ms. Neihart will submit a resignation letter with an effective date included to the Governor's office. At that time the Governor's office will

begin the pursuit of a new public member. In the meantime Board members, Association members, and any interested others can submit names to the Governor's office at the web page:
<https://app.mt.gov/appoint/>

2-15-1745. Board of private alternative adolescent residential or outdoor programs. (1) There is a board of private alternative adolescent residential or outdoor programs.

(2) The board consists of five members appointed by the governor with the consent of the senate for 3-year terms. The members must include:

(a) three members from a list of nominees provided by programs, as defined in 37-48-102, of various sizes and types; and

(b) two members who must be from the general public.

(3) A vacancy on the board must be filled in the same manner as the original appointment.

(4) The board is allocated to the department for administrative purposes only as prescribed in 2-15-121.

History: En. Sec. 1, Ch. 294, L. 2005.

Next meeting

January 26, 2006,
9:00am – 12:00pm Full Board meeting
1:00pm – 5:00pm – Board member Site Visit
Training
Helena, MT

ADJOURNMENT:

MOTION: Ms. Alexine moved to adjourn the meeting.
Second: By Ms. Manning
Discussion: None
Vote: Unanimous
Motion Carried.

BOARD OF PRIVATE ALTERNATIVE ADOLESCENT RESIDENTIAL OR
OUTDOOR PROGRAMS

Board Meeting

Helena MT

4th Floor Conference Room

Helena, MT

January 26, 2006

MINUTES

OPEN MEETING

9:00am – completion

Americans with Disabilities Act The Department of Labor & Industry is committed to providing meeting access through reasonable accommodation under the Americans with Disabilities Act. Please contact the Board office prior to the proposed meeting date for further information.

CALL TO ORDER: Chairman Paul Clark called the meeting to order at 9:15am.

Board Members Paul Clark
Michele Manning
Mary Alexine
Dr. Maureen Neihart
Commissioner Carol Brooker, by phone.

DLI Staff Cynthia Reichenbach, Program Manager
Anne O'Leary, Board Counsel

Guests Jacqueline Rutzke
Linda Carpenter
Tim Conley, by phone.

REVIEW OF AGENDA: MOTION: Ms. Alexine moved to accept the agenda as submitted.
Seconded by Ms. Manning.
Discussion: None
Vote: Unanimous
Motion carried.

APPROVAL OF
January 5, 2006 Minutes Paul Clark: Correction on Page 10, last sentence, paragraph 3, the sentence should read:
"Mr. Kemp agreed to make the above request of his department heads."
Motion: Ms. Neihart moved to approve the minutes as amended.
Seconded by Ms. Alexine.
Discussion: None

Vote: Unanimous
Motion carried.

PUBLIC COMMENT
STATEMENT:

In accordance with 2-3-103(1), MCA, the Board will hold a public comment period. Please note that Open Forum is the public's opportunity to address the Board on any topic. While the Board cannot take action on the issues presented, the Board will listen to comments and may ask the issue be placed on a subsequent agenda for Board consideration and possible action. The Chairperson of the Board will determine the amount of time allotted for public comment.

BUDGET/FINANCIAL:

C. Reichenbach, SABHRS, State Accounting & Budgeting

Ms. Reichenbach reported to date expenditures are \$7,44.97.

Not reflected in this report is the receipt of 10 application registrations totaling \$9,500.00.

Mr. Clark asked what options were available should the program fall short of its projected income and not meet it's budget.

Staff explained that there are options available to the Board to resolve deficits. The options available to this Program will be researched and presented at the next board meeting.

Motion: Carol Brooker moved to approve the budget as presented.

Seconded by Ms. Neihart

Vote: Unanimous

Motion carried.

NATIONAL, STATE, &
GENERAL CORRESPONDENCE

Board Member Resignation
Update

Ms. Neihart confirmed today that she will be leaving Montana to live abroad. Her resignation from the Board will be effective June 1, 2006. Staff encouraged Ms. Neihart to contact the Governor's office at her earliest convenience in order for that office to begin the search for a new appointment. Board members extended well wishes to Ms. Neihart and expressed their gratitude and appreciation for her expertise and her great contributions to this Board's process.

Survey Responses

Tim Conley

	<p>Mr. Conley reported that survey is up and running. Three 3 responses have been received and with so few Mr. Conley is reluctant to comment on the results. He would like to receive at least 60%. Staff will continue to send weekly e-mail notes thanking those who have completed the survey and prompting those who have not. Mr. Clark asked Linda Carpenter to take the word back to MAAPP encouraging programs to complete the survey.</p>
Program Registration Applications Report	<p>Staff reported that 10 Programs have submitted registration forms with about \$9500.00 received.</p>
Letter to Legislators	<p>Mr. Clark submitted a new draft letter. Motion: Mary Alexine moved to approve the letter to legislators as presented. Seconded by Ms. Neihart Vote: Unanimous Motion carried.</p>
Complaint Log	<p>To date, four complaints have been received at the Board office.</p>
Site Visit Check List	
Historical letter – Mary Alexine	<p>The letter does not include activities from April 5, 2005 to January 25, 2006. Ms. O’Leary commented that much of the letter focuses on the detailed accounts of the legislative process and the Programs’ relationship with DPHHS. Board members suggested: - that the letter be limited to one page, - that the letter be written from the perspective of a board member, not a Program owner/director, and, - that the information be strictly factual. Ms. Alexine will incorporate the Board suggestions into the draft and the draft will be distributed by e-mail.</p> <p>A site visit cover letter will be drafted to be sent with the history letter.</p>
SITE VISIT SECTION REVIEWS	<p>A clean copy of the site visit checklist incorporating the recommended changes is attached.</p>

Section 1: Welcome
Aboard. Building Rapport

Please find the revisions for section 1 & 2

Section 2: The everyday
functions of your Program.

The following section will
not be a part of the actual
site visit but another step
in gathering information.

Section 3: Community
Involvement & Local
Government – This section
will be coordinated with
the hosting Program(s).

This section will be coordinated by staff with the
hosting Program(s).
Staff will contact each of the Programs in an area
and schedule a conference call. The purpose of
the call will be to coordinate the site visits,
schedule the community meeting, and get the list
of agencies that each Program wants to be
included in their site visit, the community
meeting, or both. One community meeting could
involve more than one Program. Ideally, the site
visits will occur prior to the community meeting.
Done in this order, could serve to reduce anxiety
over the community meeting.
Two teams of one staff person and one Board
member could possibly do five Programs in two
days with the town meeting the evening of the
second day.
In the event that a community meeting is poorly
attended, for example in a very geographically
isolated, one Program area, phone contact will be
made to not less than three of the above named
agencies, scheduling 1:1 interviews with each.

Section 4: Contributions
of Program Participants:
Interacting with Program
participants in a group
discussion.

Committee members agreed that the site visit
shall include an opportunity to visit with students
along with the Program staff.

Invitation to parents to
participate in the study.

Contact in a group setting with students and
Program staff is ideal providing a setting for an
open discussion. Students and staff would have
the opportunity to ask questions and share their

Follow up invitation to students to provide information after the site visit.

experiences.

Ms. Neihart asked what if a student asked for contact information should they think of a question or comment after the site visitors have gone? Mr. Clark recommended that the issue would need to be deferred back to the Program administration. Ms. Reichenbach asked if it could be an issue addressed in advance of the site visits with the Program administrators. Each Program could be asked how they preferred to resolve the issue. Ms. Manning suggested that Programs could extend the invitation to students in advance of the visit affording students plenty of time to consider what they want to say or ask.

Mr. Clark commented that data is not quantified throughout the site visit such as:

- How many students & staff attended the meeting,

- How many people spoke,

- What level are the students?

It is possible to get the quantitative information, though more difficult to get qualitative information.

Board members remembered that the purpose of spending time with the students is to observe their demeanor in the school setting.

Mr. Clark recommended that the content of the meeting be held completely confidential with the site visitors reporting only quantitative information.

Ms. Alexine stated that though quantitative is important qualitative is equally as important, i.e. what is being said, how it's being said, how comfortable students appear.

It was concluded that the meetings with students will be spoken of only in generalities, with no specifics. Mr. Clark recommended recording the numbers that participated, the general description of the process and the general participation of the students.

Site visitors may talk about their impressions with the understanding that this information is clearly subjective.

Ms. O'Leary stated that the question will arise about whether the site visit included speaking to parents? She strongly recommended that section 4 should include an avenue to access parents. Though it is essential to gather information from parents how does this process access parents randomly and respect confidentiality. Mr. Clark recommended that in advance of the site visit, we need to ask Programs to speak to parents of current or past students.

Ms. Manning recommended the use of a survey with parents as the best way to gather valid information.

Ms. Neihart expressed that attempting to gather detailed information from parent would be difficult given the time constraints of this Board. It is her opinion that implementing a survey would be appropriate in the event that regulation does occur for Programs and the need is greater for measuring parent/student satisfaction with the Program, i.e. outcome studies.

Ms. O'Leary envisions the Department drafting a short e-mail for parents that describes the Board's process. The message would extend an invitation to parents to participate in the study by sending comments, express concerns, or asking questions. Contact information for the Board office including mailing address, phone, e-mail and fax will be provided in the e-mail message, along with a cut off date for responding to the request.

The request to distribute the e-mail message would be made by the site visitor of the Program staff. Responses to the request will be part of the final study.

This approach would afford the Board the ability to say that an effort was made to contact parents while honoring Program policies and

confidentiality.

It was further concluded that an avenue for contact by students with site visitors needs to be available in the event that the students wish to comment after the site visit. This request will also be made by the site visitors of the Program staff.

Section 5: Observations

These will be notes made in retrospect of the site visit. They are meant to be guidelines.

Board members stressed that it is very important to remember that all questions asked need to be consistently asked of each Program.

1. General overview of facility- condition, cleanliness, maintenance.
2. Are there animals present and kept?
3. What is participants' health/dietary/nutrition plan, if any?
4. Is there a plan to address infectious diseases?

While addressing section 5 & 6, it was determined that question #2, 3, and 4 of this section should be incorporate into the end of section 2. Question #1 should be left in the observation section and add: Are there animals present and kept?

Mr. Clark proposed moving questions 19, 20, 21, 22 to Section 2.

Mr. Clark further recommended that question 8. Is the community aware that the Program exists? Be move to the observations section and And question 4. Is there a plan to address infectious diseases? be moved to section 2.

Ms. Alexine commented that question 10. What is the economic impact on the local community?

addresses question 8 and recommended deleting #8.

Section 6 is incorporated into section 2. Delete Section 6

MOTION: Ms. Alexine moved to adopt the site visit check list as amended.

Seconded by Ms. manning

Discussion: None

Vote: Unanimous

Motion carried.

Schedule for Contacting
Programs – Staff & Board
member availability

Board members will provide their availability to Department staff as site visits are scheduled.

BOARD MEETING SCHEDULE: March 15, 2006, 1:00 Conference Call with an attempt to coordinate site visits in the Kalispell area and survey results/ethics committee conclusions.

COMMITTEE MEETING
SCHEDULE:

Ms. Neihart reported that her committee could provide a report after they have the survey data.

ADJOURNMENT:

MOTION: Ms. Manning moved to adjourn the meeting at 2:20pm.

Seconded by Ms. Neihart

Discussion: None

Vote: Unanimous

Motion carried

BOARD OF PRIVATE ALTERNATIVE ADOLESCENT RESIDENTIAL OR
OUTDOOR PROGRAMS

FULL BOARD MEETING – Conference Call

301 SOUTH PARK AVE

Helena, MT.

April 6, 2006

Minutes

OPEN MEETING

10:00am – 12:00pm

Americans with Disabilities Act	The Department of Labor & Industry is committed to providing meeting access through reasonable accommodation under the Americans with Disabilities Act. Please contact the Board office prior to the proposed meeting date for further information.
CALL TO ORDER:	10:00pm
Board members	Paul Clark, Chair Mickey Manning Mary Alexine Carol Brooker Dr. Maureen Neihart
DLI Staff	Cynthia Reichenbach, Program Manager
Guests	Jacqueline Rutzke Sue Weingartner
REVIEW OF AGENDA:	Tim Conley MOTION: Ms. Manning moved to accept the agenda as submitted. Seconded by Ms. Neihart Discussion: None Vote: Unanimous Motion carried.
REVIEW OF THE January 26, 2006 MINUTES	The dollar amount for the SABHRS report is incorrect. Staff will insert the accurate amount. MOTION: Ms. Brooker moved to accept the minutes as amended. Seconded by Ms. Neihart

Survey Results Tim Conley	No report was given.
Applications Updates	<p>In addition to the information provided during the SABHRS report.</p> <p>Dancing Moon has not responded to inquiry.</p> <p>Loveland Farms is inactive.</p> <p>Monarch School is working on their application and plans to participate.</p> <p>Bueno Vista is currently not functioning</p> <p>Andy Cristolli plans to register his Program with DPHHS as a foster home.</p> <p>Northern Rockies is not yet established as a facility and asked that they be take off of the list.</p> <p>They do plan to participate once they are open for business.</p> <p>C.O.L.T. is a new Program that plans to get their application in this week.</p> <p>With the subtraction of the inactive or non-existence 35 active programs remain.</p> <p>In total, 20 Programs are registered, 15 Programs are not registered.</p>
Site Visit Review	<p>Preparations are in the works for visiting 9 registered Programs from April 17-21, 2006 in Sanders County. Programs include:</p> <p>20 PEAK'S RANCH INC</p> <p>BUILDING BRIDGES INC</p> <p>Peak Experience</p> <p>CLEARVIEW HORIZON INC</p> <p>ELK CREEK ACADEMY</p> <p>GALENA RIDGE</p> <p>TURNAROUND RANCH LLC</p> <p>ENCHANTED ACRES YOUTH RANCH, LLC, & Spring Creek.</p> <p>Ideally the Town hall meeting will be hosted in Trout Creek on April 20, 2006 at 7:00pm. The notice of the meeting will be posted in the local newspaper. Board member availability for the site visits include:</p> <p>Paul Clark & Mickey Manning available all days, Ms. Neihart is not available.</p>

	<p>Carol Brooker is available on April 20, 2006 and Mary Alexine is available on April 19-20, 2006. Staff will schedule a conference call with the Programs to coordinate the schedule and notify Board members of their time slots.</p> <p>Tentative schedule for visits in the Kalispell area will be the week of May 12, 2006. There is a regional NATSAP meeting scheduled in Kalispell on May 12, 2006.</p> <p>MOTION: Ms. Neihart moved to amend the site visit check list to give Parents and students should be given 10 days after notification the site visits. Seconded by Ms. Booker Discussion: None Vote: Unanimous Motion carried.</p>
Mary Alexine's Historical Letter	<p>MOTION: Ms. Manning moved to adopt the letter as amended to be reviewed by Board Council for approval. Seconded by Ms. Booker Discussion: None Vote: Unanimous Motion carried.</p>
MAAPP Updates	<p>Ms. Rutzke reported that MAAPP has been inactive of late with nothing new to report.</p>
NATSAP National Meeting-	<p>Mary Alexine reported that the National meeting was in Florida February 2-4, 2006 with about 500 attendees. A variety of interesting topics were presented during the week.</p>
Next meeting	<p>Tentative conference call on April 24, 2006 at 9:00am.</p>
ADJOURNMENT:	<p>MOTION: Ms. Manning moved to adjourn the meeting at 11:40am. Seconded by Ms. Booker Discussion: None Vote: Unanimous</p>

	Motion carried.
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**MONTANA BOARD OF PRIVATE ALTERNATIVE ADOLESCENT RESIDENTIAL
OR OUTDOOR PROGRAMS**
Board Meeting-Conference Call
301 South Park Avenue
Helena, MT
June 15, 2006
DRAFT MINUTES
OPEN MEETING
9:00am – completion

This agenda is subject to change up to 3 working days before the Board meeting. For the most accurate agenda, please consult the web site at <http://www.paarp.mt.gov>

Americans with Disabilities Act	The Department of Labor & Industry is committed to providing meeting access through reasonable accommodation under the Americans with Disabilities Act. Please contact the Board office prior to the proposed meeting date for further information.
CALL TO ORDER:	9:00 A.M.
Board Members	<p>Paul Clark, Board Chair Representing Residential Adolescent Programs (Small Size Programs)</p> <p>Michele Manning Representing Residential Adolescent Programs (Large Size Programs)</p> <p>Commissioner Carol Brooker Public Member</p> <p>Dr. Maureen Neihart Public Member</p> <p>Excused Absence Mary Alexine Representing Residential Adolescent Programs (Medium Size Programs)</p>
DLI Staff	<p>Cyndi Breen, Program Manager Lisa Addington, Bureau Chief John Andrew, Acting Division Administrator Jeannie Worsech, Unit Supervisor Anne O'Leary, Board Counsel</p>
	<p>Patricia Murdo, Legislative Services Carl Baisden, Program Owner, Turning Winds Jacqueline Rutzke, MAAPP Board member Sue Weingartner, Government Relations for Spring Creek Lodge</p>

	Tim Conley, University of Montana Jeff Buska, DPHHS
REVIEW OF AGENDA:	MOTION: Ms. Brooker moved to accept the agenda as submitted. Seconded by Ms. Manning. Discussion: None. Vote: Unanimous. Motion carried.
APPROVAL OF MINUTES:	April 6, 2006 Minutes. MOTION: Ms. Manning moved to accept the minutes as submitted. Seconded by Ms. Brooker. Discussion: None. Vote: Unanimous. Motion carried.
PUBLIC COMMENT STATEMENT:	In accordance with 2-3-103(1), MCA, the Board will hold a public comment period. Please note that Open Forum is the public's opportunity to address the Board on any topic. While the Board cannot take action on the issues presented, the Board will listen to comments and may ask the issue be placed on a subsequent agenda for Board and possible action. The Chairperson of the Board will determine the amount of time allotted for public comment. Carl Baisden asked about the schedule for site visits and offered that his Program would like to be included as a site that is visited by the Board and staff.
BUDGET/FINANCIAL:	Jeannie Worsch, SABHRS, State Accounting & Budgeting. Ms. Worsch reported that the current budget income is \$27,050, a shortfall of \$16,950 as a result of the failure of Programs to register. The spending projections are expected to fall within the figures for 2007. Personal services will exceed its budget though under spent categories should offset the excess. -The communications category lists a total of \$4,500 budgeted. This is an error. The total budgeted is actually \$1500 of which the board has spent \$1365. -Travel is within its budget with possibly some excess remaining. Ms. Worsch will be checking the following line item entries: -Legal costs of \$320 -Recharge fees originally were projected at \$4224

	<p>with only \$2,186.00 taken to date.</p> <p>With the current figures fiscal year '06 will leave a balance of about \$5000.00 for fiscal year 2007 if the Board does not spend beyond the projections and no additional Programs register. It is unlikely that \$5000.00 will suffice for the 2007 budget. Based on the Programs that have not registered, \$5,000-\$10,000 in revenue should have been collected.</p> <p>Chairman Clark discussed the prospect of a "Meet the Budget" meeting considering that the Board match revenues and not exceed the budget. Board members shall discuss the prospect of declining reimbursement to Board members for board meetings and site visits, in support of a balanced budget. Ms. Worsech will begin trimming the budget and prepare a report reflecting the possibilities. Should legislation be drafted for 2007, a budget for the first biennium has been completed. The Board asked that this be placed on a future board meeting.</p>
NATIONAL, STATE, & GENERAL CORRESPONDENCE	
	<p>Montana Alternative Adolescent Private Programs (MAAPP) Jacqueline Rutzke</p> <p>Ms. Rutzke reported that MAAPP currently has 13 Montana Program members and that the Association continues in support of the activities of this Board.</p>
	<p>The National Association of Therapeutic Schools and Programs (NAATSAP)</p> <p>NONE</p>
	<p>Pat Murdo, Legislative services for the Economic Affairs Committee. Receipt of the Boards final report.</p> <p>Ms. Murdo reported that this Committee will meet on September 11-12, 2006 not September 15, 2006. She explained the logistics of the process and answered questions from Board members. Ms. Manning asked if the entire report must be submitted on the above dates. Ms. Murdo explained that it was most important that individuals present to the committee and that a final report can actually be delivered up to 30 days after the committee meets. She stressed that it is important to remember that the report must be compiled and mailed to legislators for</p>

	<p>review.</p> <p>Ms. Murdo also stress that SJ 35 is looking closely at the entire fee structure of Boards. In light of this Board's discussion under the budget/financial report, Ms. Murdo stressed how important it is for all potential new Boards to have an understanding of "fees commensurate with costs." She validated that this Board being enacted to perform a study seems to be an effective way to achieve that result.</p> <p>MOTION: Mr. Clark moved to have the report drafted and present to the Committee on September 12, 2006. Seconded by Ms. Brooker Discussion: None Vote: Unanimous Motion carried.</p>
COMMITTEE REPORTS	
Ethics & Standards Committee	<p>Tim Conley reported on the survey and his contact with Ms. Neihart. He summarized the survey results and then was asked by Board member to provide a written draft of his conclusions. This report was not part of Mr. Conley's original contract with the Board.</p> <p>MOTION: Mr. Clark moved to write a second contract with Tim Conley for the sum of \$350.00 to allow him to draft a formal paper on the survey results to be included with the report to the Interim Committee on September 12, 2006. Seconded by Ms. Brooker Discussion: None Vote: Unanimous Motion carried.</p> <p>A summary letter from Ms. Neihart was read reporting on the ethics, standards and survey results. A copy of the letter is attached to these minutes. It was concluded that the response was a good start to making some conclusion. Mary Alexine is a member of this committee and Chairman Clark asked that she replace Ms. Neihart and that Mickey Manning collaborate with the new chair to complete the work. Chairman Clark also asked Mr. Conley if he would consider being available to answer questions or make comments with this committee. He will make himself available. Ms. Manning asked if it would be possible to have access to the Program policy and procedures and site</p>

	visit summaries. Staff can provide this information. In preparation of writing the final report, Chairman Clark asked that Ms. Manning chair a new committee called the Final Report Committee. She will chair the committee and work with Ms. Brooker.
Format for the report to the Legislative Committee	<p>"Questions A Legislator Should Ask" pamphlet</p> <p>This pamphlet is a resource and Ms. Murdo offered that the Economic Affairs Committee is studying Boards and Programs with SJ 35. She offered their website as a resources with questions to ask and answer in drafting the report to the committee.</p> <p>The Economic Affairs Committee Website is: http://leg.state.mt.us/css/committees/interim/2005_2006/econ_affairs/default.asp</p>
Site Visit updates	<p>Staff reported that 8 Programs were visited in Sanders County in late April. The team visiting included one staff and one board member. A town hall meeting was hosted in Trout Creek with good Program, public, and professional participation. Chairman Clark asked if a transcript of the meeting could be received by Board members.</p> <p>Staff will provide a summary of the meeting to Board members.</p>
Next scheduled visits	<p>There are 8-10 programs in the Flathead Valley to be considered for the next wave of site visits. Staff will contact the Programs to see about their availability for a visit from June 26th through July 14th. To save costs, the visits may be conducted with two board members rather than 1 staff and 1 board member.</p>
BOARD MEETING SCHEDULE:	<p>The next meeting will be scheduled for June 29, 2006 at 9:00am. Topics to be included on the agenda are:</p> <ul style="list-style-type: none"> budget status, budget projections for '08 – '09, updates on the next site visits, & progress on the final report.
COMMITTEE MEETING SCHEDULE:	
ADJOURNMENT:	

Report on Ethics and Standards

Submitted to: Montana Board of Private Alternative Adolescent Residential or Outdoor Programs

Submitted by: Maureen Neihart, Chair of Ethics/Standards Committee

Date: June 14, 2006

The Standards and Ethics committee was charged with responding to two questions:

- What ethics and standards are commonly used by professional organizations and certifying agencies to assess the quality of residential programs for children and adolescents?
- What ethics and standards do Montana programs claim to follow?

Ethics and standards provide guidance regarding moral behavior and quality. Ethics are a set of principles regarding right and wrong behavior while standards are criteria for determining how things should be done. Standards of practice are a means of measuring the quality of a program or intervention.

To answer the first question, standards and ethical guidelines were examined from a thorough review of all standards from 3 professional organizations and 3 state licensing agencies (NATSAP, MAAP, JCIS, Utah, Oregon, and Wyoming). This review indicated that NATSAP is the only professional organization to include ethical guidelines, and that there is no universal list of practice standards for residential youth programs. However, 11 categories of standards are nearly always included:

- Administration
- Legal (i.e. compliance with relevant statutes)
- Personnel
- Participant Rights
- Admission/Discharge Policies
- Safety
- Physical Environment
- Medical Care
- Education
- Food
- Programming and Discipline or Behavior Management

Within each of these broad categories, organizations and agencies delineate more specific practice expectations. The number of expectations varies widely among categories and among organizations. For instance, the National Association of Therapeutic Schools and Programs (NATSAP) spells out 48 expectations within its Personnel category, 14 expectations within its admission/discharge policies category, and 4 expectations within its Medical Care category. The state of Wyoming lists more than 20 expectations just for medications within its health care category and more than 50 expectations within the physical plant category.

Two noticeable differences between practice standards listed by professional associations and those listed by state licensing agencies are that the latter set a *minimum* requirement for their standards and they are very specific. Examples include:

- Staff child ratios of 1/10 during waking hours
- Minimal square footage allowances per resident
- Minimal ceiling height of 7 feet for bedrooms

This distinction is well illustrated by the differences in how standards for medication management are listed.

NATSAP has two standards that require programs to have a policy that delineates who is authorized to dispense medications, and a policy on storing, accounting, and security of medication.

MAAP says that programs must have a policy that addresses medication security, storage, administration, dispensation, storing, accounting, and the disposal of outdated or discarded medications.

The State of Oregon spells out 12 minimum requirements for medication management programs are required to meet for licensure. Here is an example: “All prescription drugs stored in the facility shall be kept in a locked stationary container. Medication requiring refrigeration shall be refrigerated and secured by lock. If a locked container in a refrigerator is used, then it need not be stationary.”

To determine what standards Montana programs claim to follow, results from the web survey were examined. Only 15 programs participated in the survey, a number too small to generalize results.

The simplest way to infer compliance for these 15 programs is to look at the results of question # 54, which asks programs what professional or trade associations they belong to. The majority of the 15 respondents say they are members of NATSAP or MAAP. This suggests that they would self-report compliance with the standards of those organizations.

To try to further assess compliance with specific standards, individual responses to survey questions were examined. On the survey, questions 11, 13, 14, 17-20, 22-24, 28-30, 34-39, 41, 54-58, and 67-69, relate to one or more of the 11 standards categories. Unfortunately, survey questions are worded in such a way that it's impossible to determine what a respondent's compliance is with individual standards in most cases. For instance, question #22 asks

respondents to describe the kinds of medical services provided to participants, including routine and emergency services, but the NATSAP and MAAP standard is that programs *have a policy* addressing access to appropriate medical care. In a few cases we might infer compliance with a standard from responses. For example, a typical standard for diet says that programs will have a written description of food services that meet daily nutritional requirements for the children's ages. Most respondents' answers to question #23, which asked them to describe their plan for meeting children's nutritional needs, indicated that they do follow a plan for meeting nutritional requirements. A sample:

- 3 meals a day 1400 calorie intake per individual
- Approved meals by a licensed nutritionist
- 3 meals a day and 2 snacks a day; regular meal hours and snack at 4:15 and 8:30.

Similarly, in response to question #30, which asks about the rules of communication with friends and family, most respondents' answers indicate they would probably be in compliance with typical standards that require programs to have a description of any restrictions on communication.

Based on the responses to individual survey questions, it appears that of the 15 programs who participated in the survey, most would be in compliance with the spirit of the standards for administration, legal, and food. There's no way to tell from individual survey questions (other than #54) whether these 15 participants comply with common standards for personnel, participants' rights, admission/discharge policies, safety, physical environment, or programming and discipline. In some cases, their answers indicate they comply with part of the standards, but we can't tell whether they comply with the entire standard.

MONTANA BOARD OF PRIVATE ALTERNATIVE ADOLESCENT RESIDENTIAL OR
OUTDOOR PROGRAMS

Board Meeting-Conference Call

301 South Park Avenue

Helena, MT

June 29, 2006

MINUTES

OPEN MEETING

9:00am – completion

Americans with Disabilities Act	The Department of Labor & Industry is committed to providing meeting access through reasonable accommodation under the Americans with Disabilities Act. Please contact the Board office prior to the proposed meeting date for further information.
CALL TO ORDER:	9:00 A.M. Chairman Clark opened the meeting at 9:10Am.
Board Members	<p>Paul Clark, Board Chair Representing Residential Adolescent Programs (Small Size Programs)</p> <p>Michele Manning Representing Residential Adolescent Programs (Large Size Programs)</p> <p>Commissioner Carol Brooker Public Member</p> <p>Mary Alexine Representing Residential Adolescent Programs (Medium Size Programs) Absent –</p> <p>Public Member Vacant</p>
DLI Staff	<p>Cyndi Breen, Program Manager Jeannie Worsch, Unit Supervisor Lisa Addington, Bureau Chief Anne O’Leary, Board Counsel , Absent</p>
Others	<p>Sue Weingartner, SCLA Anita Roessmann, Montana Advocacy Program, Attorney</p> <p>By Telephone: Nick Lawyer, Representative Candidate, District Pat Ingerham, Representative Candidate, District Jacqueline Rutzke, MAAPP Representative Tim Conley</p>

REVIEW OF AGENDA:	<p>MOTION: Ms. Brooker moved to accept the agenda as written. Seconded by Ms. Manning. Discussion: None. Vote: Unanimous. Motion carried.</p>
APPROVAL OF MINUTES:	<p>June 29, 2006 Minutes. Ms. Manning noted that the page 3 entries regarding the non registered programs dollar amount discussed was \$5000.00, not \$5000-\$10,000. Ms. Manning commented that the fee agreed upon for Mr. Conley was \$325.00 not \$350.00.</p> <p>MOTION: Ms. Brooker moved to accept the minutes as amended Seconded by Ms. Manning. Discussion: None. Vote: Unanimous. Motion carried.</p>
PUBLIC COMMENT STATEMENT:	<p>In accordance with 2-3-103(1), MCA, the Board will hold a public comment period. Please note that Open Forum is the public's opportunity to address the Board on any topic. While the Board cannot take action on the issues presented, the Board will listen to comments and may ask the issue be placed on a subsequent agenda for Board and possible action. The Chairperson of the Board will determine the amount of time allotted for public comment.</p> <p>Ms. Addington, Bureau Chief for the Department of Labor & Industry explained and updated the Board on the legislation process and the placeholder for potential legislation for this Board. Concept legislation is drafted at the Board level. It is reviewed at the Division level by the Division Administrator, and Bureau Chiefs. Upon approval, the draft is forwarded to the Department level. This level includes the Commissioner's office and 10 other administrative positions. The concept was approved at this level and forwarded to the Governors office. Upon arrival at the Governors office the concept was disapproved. The reason cited for the disapproval was that the bill would be controversial. Ms. Addington reviewed options available to this Board in light of the disapproval. Just because the legislation is not introduced by the Department does not mean that legislation can not be forthcoming. -The Board could seek out its own legislator to carry the bill or</p>

	<p>-the Board could request that their legislation be carried by a committee such as the Economic Affairs Committee. The Economic Affairs Committee will hear this Board's final recommendations and SJ 35 is a part of this Committee's work.</p> <p>The Department could play a role in assisting the Board in drafting a bill and serving as informational witnesses during the legislative session.</p> <p>Ms. Addington explained that though she understands that the Board is not able to take any action today, they may want to consider the issue for a future meeting.</p> <p>Anita Roessmann, Montana Advocacy Program, introduced herself and explained her role.</p> <p>The heart and soul of this group is primarily to advocate for children and adult who have disabilities and are residing in residential settings, hence their interest in this Board.</p>
BUDGET/FINANCIAL:	<p>Jeannie Worsch, SABHRS, State Accounting & Budgeting</p> <p>Ms. Worsch reported on the projections for fiscal year end 2006 and 2007. Those documents are attached.</p> <p>MOTION: Mr. Clark moved to approve the Department to continue to monitor & adjust the budget so as to stay within the projections.</p> <p>Seconded by Ms. Manning.</p> <p>Discussion: None.</p> <p>Vote: Unanimous.</p> <p>Motion carried.</p> <p>Ms. Worsch reported on the projected costs to this Board for fiscal year 2008-2009 should the Board continue to exist at the Department of Labor & Industry.</p> <p>The documents are attached to these minutes.</p> <p>Based on the need for the Board to be self-supporting, that fees are commensurate with costs, time distribution of staff, the last biennium income and expenditures, the projected budget for each year is estimated at approximately \$55,000 per year. This projection does not include a complaint process for this Board. Put simply, this budget will triple fees to registering Programs unless another source of income is found or the structure for calculating annual fees changes.</p>

NATIONAL, STATE, & GENERAL CORRESPONDENCE	
Montana Alternative Adolescent Private Programs (MAAPP)	Jacqueline Rutzke Ms. Rutzke extended MAAPP's continued support of the PAARP Board.
Application Report	23 Programs have submitted application, 4 are in the review process, and 1 partial payment has been received. Attempts to contact the unregistered Programs continue. Ms. Rutzke disclosed that the Jackie Weimer School does not fit the requirements for a private alternative school.
Trout Creek Town Meeting Summary	Board Staff-This report is not complete and will be submitted at a later meeting.
Site Visit Progress in the Flathead Valley	<p>Contact has been made with Programs in the valley with the week of July 19th working best for most of the Programs. Mary Alexine will have returned from her travels and be available. The tentative schedule is as follows:</p> <p>Wed., July 19th, 10:00am, Chrysalis 1:00pm, New Horizons 3:00pm, Ranch for Kids</p> <p>Thurs., July 20th. 9:00am, open 1:00pm, Hope Ranch 7:00pm, Town Meeting</p> <p>Ms. Manning is available for all of the site visit activities. It's expected that Mary Alexine will be available for some of the visits. Carol Brooker and Paul Clark are otherwise committed but will do what they can to attend. Staff is available for the site visits but as per the last budget discussion, a shortage of funds may not allow for travel. Staff will coordinate the site visits and the town meeting, and Board members will make every effort to meet the meeting obligations with Mr. Clark facilitating the town meeting.</p>
COMMITTEE REPORTS	
Ethics & Standards Committee	<p>Mary Alexine No report.</p> <p>Tim Conley commented on page 7 of Ms. Neihart's report that says: "Unfortunately, survey questions are worded in such a way that it's impossible to determine what a</p>

	<p>respondent's compliance is with individual standards in most cases."</p> <p>Mr. Conley suggested that the survey questions were not specifically designed to determine respondent's compliance with individual standards. The questions were drafted and redrafted collectively. The intention was never to formulate questions that would specifically answer program compliance with standards. As written, the statement leaves the impression that the information was supposed to be in the survey but was omitted.</p> <p>Mr. Clark commented that Ms. Neihart's report is a preliminary draft and the committee has more work to do. Members of that committee originally included Mary Alexine, Jacqueline Rutzke, Linda Carpenter and Joyce Sterkel. In Dr. Neihart's absence Mary Alexine, Board member, would become the committee chair by default. Mr. Clark committed to making contact with Ms. Sterkel and Ms. Carpenter in an effort to activate their participation with the committee.</p> <p>Mr. Conley offered then to make edits to the report. Mr. Clark asked that Mr. Conley consult with the committee as they continue the work.</p>
Final report Committee	<p>Mickey Manning, Chair</p> <p>Ms. Manning submitted a draft outline for the final report for the Economic Affairs Committee. It is attached to these minutes.</p> <p>Mr. Clark commented that he would like to see Tim Conley's report and the ethics and standards committee report as separate attachments to the final report not infused into the report.</p> <p>In the recommendations section Mr. Clark sees that section as needing to be open ended. The group has not concluded whether its recommendation is going to be to include draft legislation that implements regulation.</p> <p>He sees the order of the document as follows: the committee reports separate, then the summary, conclusions, and lastly the recommendations.</p> <p>Ms. Manning clarified that she does not see the draft as a final report but rather a living document and a work in progress.</p> <p>MOTION: Mr. Clark moved to adopt the draft outline</p>

	<p>with the above amendments. Seconded by Ms. Brooker Discussion: None. Vote: Unanimous. Motion carried.</p>
BOARD MEETING SCHEDULE:	<p>SJ 35 meets on July 14, 2006 and has included this Board on their agenda should they have any comments to make to the committee. SJ 35 is reviewing Board functions and structures at the Department of Labor & Industry. Ideally some board members could attend that meeting in conjunction with a board meeting in Helena. Topics for the meeting should include: Legislation options, site visit updates, budget issues, ethics & standards and the final report, committees.</p> <p>MOTION: Mr. Clark moved to schedule the next Board meeting for 9:00am on July 14, 2006. Seconded by Ms. Manning. Discussion: None. Vote: Unanimous. Motion carried.</p>
COMMITTEE MEETING SCHEDULE:	
ADJOURNMENT:	

MONTANA BOARD OF PRIVATE ALTERNATIVE ADOLESCENT RESIDENTIAL
OR OUTDOOR PROGRAMS
Board Meeting-Conference Call
301 South Park Avenue
Helena, MT
July 14, 2006
MINUTES
OPEN MEETING
9:00am – completion

Americans with Disabilities Act	The Department of Labor & Industry is committed to providing meeting access through reasonable accommodation under the Americans with Disabilities Act. Please contact the Board office prior to the proposed meeting date for further information.
CALL TO ORDER:	Chairman Clark opened the meeting at 9:05 A.M.
Board Members	<p>Paul Clark, Board Chair Representing Residential Adolescent Programs (Small Size Programs)</p> <p>Michele Manning Representing Residential Adolescent Programs (Large Size Programs)</p> <p>Commissioner Carol Brooker Public Member</p> <p>Absent Mary Alexine Representing Residential Adolescent Programs (Medium Size Programs)</p> <p>Public Member Vacant</p>
DLI Staff	<p>Cyndi Breen, Program Manager Marilyn Kelly Clark, Unit Supervisor Lisa Addington. Bureau Chief</p>
Others Present	<p>Sue Weingartner, SCLA Jacqueline Rutzke, MAAPP Representative Linda Carpenter Joyce Sterkel</p>

REVIEW OF AGENDA:	MOTION: Ms. Brooker moved to accept the agenda as written. Seconded by Ms. Manning. Discussion: None. Vote: Unanimous. Motion carried.
APPROVAL OF MINUTES: June 29 2006 Minutes.	MOTION: Ms. Brooker moved to accept the minutes as written. Seconded by Ms. Manning. Discussion: None. Vote: Unanimous. Motion carried.
PUBLIC COMMENT STATEMENT:	In accordance with 2-3-103(1), MCA, the Board will hold a public comment period. Please note that Open Forum is the public's opportunity to address the Board on any topic. While the Board cannot take action on the issues presented, the Board will listen to comments and may ask the issue be placed on a subsequent agenda for Board and possible action. The Chairperson of the Board will determine the amount of time allotted for public comment.
BUDGET/FINANCIAL:	DLI Staff-Fiscal year end 2006 has not been completed for this Board. A report may be available at the next meeting.
NATIONAL, STATE, & GENERAL CORRESPONDENCE	
Montana Alternative Adolescent Private Programs (MAAPP)	Jacqueline Rutzke – No updates.
Application Report	Board Staff – To date, 31 Programs are listed on the Board roster. 24 applications have been received. 21 applications have been processed to completion. 3 applications are currently incomplete.
Trout Creek Town Meeting and Summary & Final	Board Staff-The meeting has been recorded to a disc and delivered to Ms. Manning.

Report	<p>Mickey Manning will be compiling all of the data from all sources and presenting a written draft for board review of the final report for the Economic Affairs Committee.</p> <p>Chairman Clark proposed that the final report for the committee include the following:</p> <ul style="list-style-type: none"> -survey summary report from Tim Conley, -a summary report from the Ethics & Standards Committee, -information from the registration applications, -a town hall meeting summary that includes the use of the same categories to sort and compile the information but keeps the information separate for each sites. <p>Ms. Manning suggested that a draft of the format of the categories to be developed.</p> <p>MOTION: Mr. Clark moved to have Ms Manning construct an outline of the categories to be included in the arrangement of the information from the town hall meetings. The outline will be reviewed and approved by Board members prior to its use.</p> <p>Seconded by Ms. Brooker</p> <p>Discussion: None.</p> <p>Vote: Unanimous.</p> <p>Motion carried.</p>
Site Visit Progress in the Flathead Valley	<p>Board Staff – The site visit schedule is as follows:</p> <p>Wed., July 19th, 10:00am, Chrysalis 1:00pm, New Horizons 3:00pm, Ranch for Kids</p> <p>Thurs., July 20th. 9:00am, Montana Academy 1:00pm, Hope Ranch 7:00pm, Town Meeting</p> <p>Friday, July 21st , 9:00am, Summit Preparatory School</p> <p>Chairman Clark is not available to chair the town meeting on Thursday evening nor will he be likely to participate in any of the site visits.</p>

	<p>Ms. Brooker had a last minute change in her schedule and will not be available for any of the Kalispell tour.</p> <p>Mary Alexine has not responded yet but it's expected that she will participate in the visits in her area.</p> <p>Ms. Manning is available to participate in any and all visits.</p> <p>MOTION: Mr. Clark moved to have Ms. Manning construct an outline of the categories to be included in the arrangement of the information from the town hall meetings. The outline will be reviewed and approved by Board members prior to its use.</p> <p>Seconded by Ms. Brooker</p> <p>Discussion: None.</p> <p>Vote: Unanimous.</p> <p>Motion carried.</p> <p>MOTION: Mr. Clark moved that lieu of the board member unavailability staff will fill in where the need arises.</p> <p>Seconded by Ms. Brooker</p> <p>Discussion: None.</p> <p>Vote: Unanimous.</p> <p>Motion carried.</p>
Discussion on Legislation Options	<p>Paul Clark</p> <p>Chairman Clark reported that in light of the Governor's office declining the placeholder for any potential legislation from this Board, Mr. Clark asked Senator Jim Elliot to draft and carry the bill should this board recommend legislation.</p> <p>MOTION: Mr. Clark moved to approve having Senator Elliot actively involved in any forthcoming legislation from this Board.</p> <p>Seconded by Ms. Brooker</p> <p>Discussion: None.</p> <p>Vote: Unanimous.</p> <p>Motion carried.</p> <p>Ms. Addington updated the Board on the activities of SJ 35. The committee is scheduled to meet this afternoon and Chairman Clark plans to attend that meeting. The committee is reviewing</p>

	<p>the structure and board make up of professions at the Department of Labor. Attention has been drawn to this Board as it functions differently from other Boards. It's purpose is to conduct a study, not impose regulation. Mr. Clark will be available to SJ 35 committee this afternoon to answer questions about this Boards process.</p>
COMMITTEE REPORTS	
Ethics & Standards Committee	<p>Linda Carpenter and Joyce Sterkel are committee members who, in Ms. Alexine's absence reported on their committee's progress. Each has reviewed ethics from a number to organizations, associations, and accrediting bodies. Ms. Sterkel has a written report and Ms. Carpenter will have hers complete on Monday. They are learning that there is much consistency among broad categories within each group. Chairman Clark asked if the committees additional information can be attached to Ms. Neihart's report. The response was yes.</p> <p>The committee members will circulate additional drafts and information among themselves and board staff with the understanding that all messages are public record and upon request, must be provided to the public.</p> <p>Staff will set up a committee meeting conference call after all of the information has been dissemination in order for the group to have a collective discussion about the information. At a former board meeting Tim Conley volunteered to make himself available to the committee should they need his help. Likely there will be some overlap of information and Mr. Conley clearly had some objection to some of the information stated in Ms. Neihart's initial report about responses to survey questions and the conclusions drawn.</p> <p>Mr. Clark summarized that the goal of the Ethics and Standards Committee was to do research about what is common place in the industry. The goal of the survey and Tim Conley's report was to determine what is common place in Montana.</p>

Survey Committee	No report.
Final Report Committee	Mickey Manning, Chair All committee reports will be submitted to Ms. Manning by August 12, 2006
BOARD MEETING SCHEDULE:	Monday July 31, 2006, 9:00am-11:00am, Thursday, August 10, 2006, 9:00am-11:00am, Friday, August 25, 2006, 9:00am-11:00am, Friday, September 8, 2006, 9:00am-11:00am, Tuesday, September 12, 2006, the Board will be making its presentation to the Economic Affairs Committee.
COMMITTEE MEETING SCHEDULE:	
ADJOURNMENT:	

MONTANA BOARD OF PRIVATE ALTERNATIVE ADOLESCENT RESIDENTIAL OR
OUTDOOR PROGRAMS
Board Meeting-Conference Call
301 South Park Avenue
Helena, MT
July 31, 2006
MINUTES
OPEN MEETING
9:00am – completion

This agenda is subject to change up to 3 working days before the Board meeting. For the most accurate agenda, please consult the web site at <http://www.paarp.mt.gov>.

Americans with Disabilities Act	The Department of Labor & Industry is committed to providing meeting access through reasonable accommodation under the Americans with Disabilities Act. Please contact the Board office prior to the proposed meeting date for further information.
CALL TO ORDER:	9:10 A.M.
Board Members	<p>Paul Clark, Board Chair Representing Residential Adolescent Programs (Small Size Programs)</p> <p>Michele Manning Representing Residential Adolescent Programs (Large Size Programs)</p> <p>Commissioner Carol Brooker Public Member</p> <p>Mary Alexine Representing Residential Adolescent Programs (Medium Size Programs) Absent</p> <p>Public Member Vacant</p>
DLI Staff	Cyndi Breen, Program Manager
Others	<p>Jacqueline Rutzke, MAAPP Sue Weingartner, SCA Linda Carpenter, Committee member Joyce Sterkel, Committee Member Roy Kemp, DPHHS representative</p>
REVIEW OF AGENDA:	At the advice of legal counsel, it was recommended that the Board convene in executive session for the review of the site visits.

	<p>MOTION: Ms. Brooker moved to accept the agenda as amended. Seconded by Ms. Manning. Discussion: None. Vote: Unanimous. Motion carried.</p>
APPROVAL OF MINUTES:	<p>June 29 2006 Minutes.</p> <p>MOTION: Ms. Brooker moved to accept the minutes as written. Seconded by Ms. Manning. Discussion: None. Vote: Unanimous. Motion carried.</p>
PUBLIC COMMENT STATEMENT:	<p>In accordance with 2-3-103(1), MCA, the Board will hold a public comment period. Please note that Open Forum is the public's opportunity to address the Board on any topic. While the Board cannot take action on the issues presented, the Board will listen to comments and may ask the issue be placed on a subsequent agenda for Board and possible action. The Chairperson of the Board will determine the amount of time allotted for public comment.</p> <p>No public comments were taken. At 9:45am Chairman Clark opened the meeting for comment again.</p> <p>Mr. Kemp, DPHHS, commented that he would be participating in all meetings of the Board as an information source from the Department of Public Health. Chair Clark asked that he please review and comment on all of the committee reports thus far. Mr. Kemp committed to the task.</p>
BUDGET/FINANCIAL:	<p>DLI Staff To date \$16,199.09 were spent in FY 2006. \$28,800 in application registration fees have been collected</p>
NATIONAL, STATE, & GENERAL CORRESPONDENCE	
Montana Alternative Adolescent Private Programs (MAAPP)	Jacqueline Rutzke: No report.
Application Report	<p>Board Staff Mickey Manning</p>

	<p>To date, 31 Programs are listed on the Board roster. 24 applications have been received. 21 applications have been processed to completion. 3 applications are currently incomplete.</p> <p>Ms. Manning reported that she is reviewing and compiling data from applications. She will have a final report completed for Board review for the next meeting.</p>
Site Visits & Town Meeting in the Flathead Valley	<p>Board Staff & Board Members</p> <p>The Board will convene in executive session for this agenda item.</p>
Legislation	<p>Paul Clark</p> <p>None</p>
COMMITTEE REPORTS	
SJ 35	<p>Paul Clark</p> <p>Chairman Clark attended the meeting on July 14, 2006. He spoke to the Committee providing for them the history of the Board and the activities that they have engaged in since the passing of HB628. The Committee is interested in this Board particularly because they are reviewing Board structures, functions, and finances at the Department of Labor.</p>
Ethics & Standards Committee	<p>In the absence of Committee Chair Mary Alexine, Linda Carpenter and Joyce Sterkel reported on the work of the Committee.</p> <p>Ms. Sterkel has compiled her data by reviewing standards from states that currently regulate schools and professional organizations. She pulled from them all of the commonalities and forwarded them on to Ms. Carpenter.</p> <p>Ms. Carpenter reviewed other state standards and JCHO, NATSAP, MAAPP, & DPHHS requirements. She noted that virtually all of the professional organizations have both an ethical piece and a standards piece.</p> <p>Ms. Manning recommended that perhaps the information that she is gathering from the applications should be infused into the narrative or the summary report from this committee.</p> <p>Because Ms. Neihart was originally on this committee, the information in her report will be included, as needed, in this Committee's finished product. It was agreed that the categories that she identified are</p>

	definitely areas that should be addressed.
Survey Committee	None
BOARD & COMMITTEE MEETING SCHEDULE:	<p>Thursday, August 10, 2006, 9:00am-11:00am.</p> <p>Chairman Clark will not be attended this meeting and requested that Commissioner Brooker chair the meeting. It will be necessary for all remaining Board members to attend this meeting in order to have a quorum.</p> <p>Friday, August 25, 2006, 9:00am-11:00am,</p> <p>Friday, September 8, 2006, 9:00am-11:00am,</p> <p>Tuesday, September 12, 2006, the Board will be making its presentation to the Economic Affairs Committee.</p>
ADJOURNMENT:	<p>MOTION: Ms. Manning moved to adjourn the meeting at 9:45am.</p> <p>Seconded by Ms. Brooker</p> <p>Discussion: None</p> <p>Vote: Unanimous</p> <p>Motion carried.</p>

MONTANA BOARD OF PRIVATE ALTERNATIVE ADOLESCENT RESIDENTIAL OR
OUTDOOR PROGRAMS

Board Meeting-Conference Call

301 South Park Avenue

Helena, MT

August 10, 2006

Minutes

9:00am – completion

This agenda is subject to change up to 3 working days before the Board meeting. For the most accurate agenda, please consult the web site at <http://www.paarp.mt.gov>.

Americans with Disabilities Act	The Department of Labor & Industry is committed to providing meeting access through reasonable accommodation under the Americans with Disabilities Act. Please contact the Board office prior to the proposed meeting date for further information.
CALL TO ORDER:	9:10 A.M. Staff distributed the wrong dial in telephone number causing a delay in starting the meeting. In the absence of Paul Clark, Carol Brooker chaired today's meeting.
Board Members	Commissioner Carol Brooker Public Member Michele Manning Representing Residential Adolescent Programs (Large Size Programs) Mary Alexine Representing Residential Adolescent Programs (Medium Size Programs) Paul Clark, Board Chair Representing Residential Adolescent Programs (Small Size Programs) Absent Public Member Vacant
DLI Staff	Cyndi Breen, Program Manager Marilyn Kelly Clark, Unit Supervisor Anne O'Leary, Board Counsel

Others	Jacqueline Rutzke Linda Carpenter Joyce Sterkel Roy Kemp
REVIEW OF AGENDA:	MOTION: Ms. Manning moved to accept the agenda as presented. Seconded by Ms. Alexine Discussion: None. Vote: Unanimous. Motion carried.
APPROVAL OF MINUTES:	July 31, 2006 Open meeting minutes. July 31, 2006 Executive session meeting minutes. MOTION: Ms. Manning moved to accept the two sets of minutes as presented. Seconded by Ms. Alexine Discussion: None. Vote: Unanimous. Motion carried.
PUBLIC COMMENT STATEMENT:	In accordance with 2-3-103(1), MCA, the Board will hold a public comment period. Please note that Open Forum is the public's opportunity to address the Board on any topic. While the Board cannot take action on the issues presented, the Board will listen to comments and may ask the issue be placed on a subsequent agenda for Board and possible action. The Chairperson of the Board will determine the amount of time allotted for public comment. No public comments were heard.
NATIONAL, STATE, & GENERAL CORRESPONDENCE	
Montana Alternative Adolescent Private Programs (MAAPP)	Jacqueline Rutzke: No report.
Application Report	Mickey Manning reported that she continues to compile the data from applications. Staff reported that policies and procedures had been received from two programs and will be forwarded to Ms. Manning to be included in the report. Ms. Manning expects to have all of the pertinent information entered into the report by

	the next board meeting.
COMMITTEE REPORTS	
Ethics & Standards Committee	Mary Alexine Linda Carpenter Joyce Sterkel The committee work addressed by Joyce Sterkel is complete. Ms. Carpenter will have her section completed and forwarded to the board in advance of the next board meeting.
Survey Committee	None
Final Report Committee	Ms. Manning will be sending out a first draft to board members within the week for review. Final recommendations for the report will be made at the August 25, 2006 meeting with all changes complete by September 8 th .
BOARD & COMMITTEE MEETING SCHEDULE:	Friday, August 25, 2006, 9:00am-11:00am, Friday, September 8, 2006, 9:00am-11:00am, Tuesday, September 12, 2006, The final report will be presented to the Economic Affairs Committee from 1:15pm-1:45pm.
ADJOURNMENT:	MOTION: Ms. Manning moved to accept the minutes as presented. Seconded by Ms. Alexine Discussion: None. Vote: Unanimous. Motion carried.

MONTANA BOARD OF PRIVATE ALTERNATIVE ADOLESCENT RESIDENTIAL OR
OUTDOOR PROGRAMS

Board Meeting-Conference Call

301 South Park Avenue

Helena, MT

August 25, 2006

MINUTES

OPEN MEETING

9:00am – completion

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Americans with Disabilities Act	The Department of Labor & Industry is committed to providing meeting access through reasonable accommodation under the Americans with Disabilities Act. Please contact the Board office prior to the proposed meeting date for further information.
CALL TO ORDER:	9:00 A.M. Chairman Clark opened the meeting at 9:15am.
Board Members	Paul Clark, Board Chair Representing Residential Adolescent Programs (Small Size Programs) Michele Manning Representing Residential Adolescent Programs (Large Size Programs) Mary Alexine Representing Residential Adolescent Programs (Medium Size Programs) Commissioner Carol Brooker Public Member Absent Public Member Vacant
DLI Staff	Cyndi Breen, Program Manager Anne O'Leary, Board Counsel
Others	Jacqueline Rutzke Sue Weingartner Linda Carpenter Joyce Sterkel

	Roy Kemp Gary Spaeth
REVIEW OF AGENDA:	MOTION: Ms. Manning moved to accept the agenda as presented. Seconded by Ms. Alexine Discussion: None. Vote: Unanimous. Motion carried.
APPROVAL OF MINUTES:	August 10, 2006 Minutes. Ms. Manning stated that the executive session minutes were approved at the August 10, meeting. That motion was not included in the minutes. MOTION: Ms. Manning moved to accept the August 10, 2006 meeting as amended. Seconded by Ms. Alexine Discussion: None. Vote: Unanimous. Motion carried.
PUBLIC COMMENT STATEMENT:	In accordance with 2-3-103(1), MCA, the Board will hold a public comment period. Please note that Open Forum is the public's opportunity to address the Board on any topic. While the Board cannot take action on the issues presented, the Board will listen to comments and may ask the issue be placed on a subsequent agenda for Board and possible action. The Chairperson of the Board will determine the amount of time allotted for public comment. No public comment was taken.
NATIONAL, STATE, & GENERAL CORRESPONDENCE	DLI Decision package for 2008-2009 Board staff presented a potential operating budget for Board members should legislation pass and a fully functioning board is implemented. The projections are based on revenues paid by 28 schools in Montana. The decision package is attached to the minutes.

Montana Alternative Adolescent Private Programs (MAAPP)	Jacqueline Rutzke No report was given.
COMMITTEE REPORTS	
Ethics & Standards Committee	<p>Mary Alexine Linda Carpenter Joyce Sterkel Ms. Carpenter reviewed a summary of the 3 sections contained in the committees report.</p> <p>It was recommended that perhaps foot notes should be inserted in the summary report. The foot notes shall reference where in the full text report the information is documented.</p> <p>MOTION: Ms. Manning moved to adopt the ethics & standards committee report as amended. Seconded by Ms. Alexine Discussion: None. Vote: Unanimous. Motion carried.</p>
Survey Committee	No report was given. Tom Conley is out of town. Upon his return and receipt of the report at the board office it will be circulated by e-mail.
Final Report Committee	<p>Mickey Manning</p> <p>At the Departments recommendation the order of the report is as follows: Report Summary, pages 1 & 2, Board recommendations, page 3, Tables A, B, C, & Report content, pages 1-12.</p> <p>The Board reviewed pages 1-12 with the below comments: Pages 1-2, approved.</p> <p>Page 3, 3rd paragraph. "The programs either prescribe to a set philosophy to guide their work such as Glaser's</p>

	<p>Choice Therapy, the Bible, or Love and Logic, or they say that they use a variety of models. A number of programs refer to using cognitive behavioral therapy and other models."</p> <p>Change these sentences to read:</p> <p>"The programs either prescribe to a set philosophy to guide their work such as the Bible, or Love and Logic, or use a variety of therapeutic models such as Glaser's Choice Therapy or cognitive behavioral therapy. Delete the sentence: "There is a wide variety of various mixtures of many techniques and philosophies."</p> <p>Page 3, 4th paragraph, delete sentences: "When asked for the average length of stay in the survey, the range was from 3 weeks to 2 years. The programs could be divided into two equal groups. The spread is from 3 weeks up to 10 months with no majority number; the numbers are wide spread."</p> <p>5th paragraph: Delete spirit month from the last sentence.</p> <p>6th paragraph: Change the 3rd sentence read: "When students reach a certain level of behavior or maturity a mixture of on and off site campuses, both public and private, may be used."</p> <p>Following sentence "The use of the Montana public school system is not a dominant feature, add: being utilized full time by 3 out of 24 registered programs." See table A."</p> <p>Page 4 uses terms "most", "some", and "few often. Mr. Clark asked if the words couldn't be replaced with percentages. Ms. Manning explained that it would be difficult to do and that in some cases she referenced the table for exact numbers. It was recommended that on page 3, under description of the facilities A, a sentence should</p>
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	<p>be added stating that for the purposes of this report "some", "most", and "few" are defined as: "Most" being above 50% "Some" means 10%-50% and "Few" means 10% or less.</p> <p>Page 5</p> <p>Last sentence of paragraph B. "None of the schools are medical facilities." Mr. Clark asked to have the sentence changed to: "None of the schools are medical facilities and none admit students in need of long term medical supervision."</p> <p>Paragraph 4: Remove these three sentences: "The program can be further divided by those under and over 30. Generally the under 30 participants is the majority between these two groups with the over 30 seeming to operate more like the operations of a larger program. The programs with fewer than 30 participants operate more like a large family." The last sentence should read "30 or more" rather than "over".</p> <p>Last sentence, third sentence should read "uniquely designed <u>to</u> follow" instead of "and".</p> <p>Page 6:</p> <p>5th paragraph change "violent issues" to "violent behavior" and delete "either physical". Change "information held back" to "withheld".</p> <p>Paragraph 6 remove "will" from "programs will also guide how...."</p> <p>Page 7 Add examples to paragraph 2.</p> <p>5th paragraph add "Generally" to the beginning of the sentence that reads "the purpose of the communication,,,,," At the end of this paragraph add examples.</p>
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	<p>Page 8: 1st paragraph add "In general" to "As the participants progress."</p> <p>Page 9: 1st sentence. Paul Clark asked for examples of grievance processes among programs.</p> <p>Page 10, Next to the last paragraph on page 10 needs a reference on the multiplier of two.</p> <p>Mary Alexine requested that in the last paragraph that the voice from "we" to a more technical term. Ms. Manning will make those changes throughout the entire document.</p> <p>Page 11, On the first sentence add "per visit" to 3.5 days. In paragraphs b & c, the multiplier should be two not seven. Add average to this paragraph because the numbers concluded are shear averages.</p> <p>Page 12 Under recommendations #2, add the number of programs that did not register.</p> <p>#3 "none of the problems were systemic". Define systemic.</p> <p>Paul Clark asked Ms. Manning to add a paragraph on fiscal issues and he asked staff to compile a report that includes the original fiscal note based on 40 schools, fiscal year end revenues and expenditures for 2006, and the decision package for FY 2008 & 2009.</p> <p>Report Summary and Board Recommendations, Pages 1-3. Paul Clark has grammatical and sentence structure changes that he would like to make if he could receive the report as a word document instead of PDF. He will make the changes and circulate the document for review by e-mail.</p>
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	<p>#1 extends this board for another two years and adds mandatory compliance authority which would require legislation. #1 needs to be broken into two sections.</p> <ol style="list-style-type: none"> 1. Maintain the Board's current structure, operation, and responsibilities. 2. Amend chapter 48 to add compliance authority to the mandatory registration. <p>#2 becomes #3, adding "before recommending a comprehensive regulatory structure", to the end of the sentence that reads "The diversity of the programs and their populations requires a more thorough understanding than the board has reached to date."</p> <p>#3 becomes #4 rewrite the sentence to read: "Determine current local, state, and federal regulations that apply to the programs in order to avoid making recommendations that result in duplications."</p> <p>#4 becomes #5 Change to read: Explore further the distinctions between public and private programs and the implications of such distinctions to regulatory issues. Delete the last sentence.</p> <p>#5 becomes #6 add public concerns, complaints, and maintaining program accountability.</p> <p>#6 becomes #7 adding " , , , , detailing the board's final findings , , , , , " .</p> <p>Staff questioned how the Board intended to fund #2 of the recommendations. Board Counsel recommended that the Board add a section after #2 that amends the current rules to provide for a new registration period. The last registration was good for a two year period from April 2005 – April 2007. The new registration would need to cover the period of the requested extension of the board. Board Counsel will draft language explaining the prior 2 year registration period and the new 2 year registration period.</p>
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BOARD & COMMITTEE MEETING SCHEDULE:	Friday, August 25, 2006, 9:00am-11:00am, Friday, September 8, 2006, 9:00am-11:00am, Tuesday, September 12, 2006, 1:15pm-1:45pm, the Board will be making its presentation to the Economic Affairs Committee
ADJOURNMENT:	MOTION: Ms. Manning moved to adjourn the meeting. Seconded by Ms. Alexine Discussion: None. Vote: Unanimous. Motion carried.

MONTANA BOARD OF PRIVATE ALTERNATIVE ADOLESCENT RESIDENTIAL OR
OUTDOOR PROGRAMS

Board Meeting-Conference Call

301 South Park Avenue

Helena, MT

September 8, 2006

MINUTES

OPEN MEETING

9:00am – completion

This agenda is subject to change up to 3 working days before the Board meeting. For the most accurate agenda, please consult the web site at <http://www.paarp.mt.gov>.

Americans with Disabilities Act	The Department of Labor & Industry is committed to providing meeting access through reasonable accommodation under the Americans with Disabilities Act. Please contact the Board office prior to the proposed meeting date for further information.
CALL TO ORDER:	9:00 A.M.
Board Members	Paul Clark, Board Chair Representing Residential Adolescent Programs (Small Size Programs) Commissioner Carol Brooker Public Member Michele Manning Representing Residential Adolescent Programs (Large Size Programs) Mary Alexine Representing Residential Adolescent Programs (Medium Size Programs) Public Member Vacant
DLI Staff	Cyndi Breen, Program Manager
Others	Sue Weingartner Linda Carpenter Joyce Sterkel Roy Kemp
REVIEW OF AGENDA:	MOTION: Ms. Brooker moved to accept the agenda as presented. Seconded by Ms. Manning Discussion: None. Vote: Unanimous. Motion carried.

APPROVAL OF MINUTES:	<p>August 25, 2006 Minutes.</p> <p>The board addressed that the survey from Tim Conley is incomplete. Staff reported that he was unavailable for today's meeting but had committed to forwarding the report by days end.</p> <p>It will be stated in the final report that this piece is incomplete. Ms. Weingartner commented that survey monkey has the survey results summarized on the internet and that perhaps that information could be provided in the final report.</p> <p>Paul commented that DLI staff, according to the minutes, had committed to a financial report as part of the final report. The report was forwarded to Ms. Manning for review but not to all board members. It will be forwarded to all board members.</p> <p>MOTION: Ms. Manning moved to accept the minutes as presented. Seconded by Ms. Alexine Discussion: None. Vote: Unanimous. Motion carried.</p>
PUBLIC COMMENT STATEMENT:	<p>In accordance with 2-3-103(1), MCA, the Board will hold a public comment period. Please note that Open Forum is the public's opportunity to address the Board on any topic. While the Board cannot take action on the issues presented, the Board will listen to comments and may ask the issue be placed on a subsequent agenda for Board and possible action. The Chairperson of the Board will determine the amount of time allotted for public comment.</p> <p>No comments were taken.</p>
E-mail on State comparisons from DPHHS	<p>Roy Kemp submitted an e-mail regarding the dispersing of prescription medication.</p> <p>Ms. Manning commented that the accurate information received from Mr. Kemp was incorporated into the final report on page 38.</p>
Report to the Children, Families & Health Committee	<p>Susan Fox, Legislative services, requested that the Board give a presentation to this committee on September 12, 2006 at 11:00am. Paul Clark accepted the invitation on behalf of the Board. This is a public meeting and all board members are welcome to attend.</p>
COMMITTEE REPORTS	

<p>Ethics & Standards Committee</p>	<p>Mary Alexine Linda Carpenter Joyce Sterkel</p> <p>Two introductory pages were added to the report. Ms. Manning made some grammatical corrections. Footnotes were added. The information from Roy Kemp regarding the dispersing of prescription medication was incorporated into the report.</p> <p>MOTION: Ms. Manning moved to accept the ethics & standards committee report as amended. Seconded by Ms. Brooker Discussion: None. Vote: Unanimous. Motion carried.</p>
<p>Survey Report</p>	<p>This report is addressed in the approval of minutes section on page 1.</p> <p>The survey report will be listed as pending in the final report on page 2, with information about accessing survey monkey for the on line results.</p> <p>MOTION: Ms. Manning moved to amend the final report with the changes regarding the survey report. Seconded by Ms. Alexine. Discussion: None. Vote: Unanimous. Motion carried.</p>
<p>Final Report Review</p>	<p>Mickey Manning Table C was corrected to include Hope Ranch. In the actual summary on page 1, the number of programs, Mr. Clark stated being uncomfortable with the word 'approximate'. It was explained that there are 29 programs that have been identified in Montana. 24 programs have applied for registration. 23 programs are officially registered. 1 program application is pending. 4 programs have not registered.</p> <p>MOTION: Ms. Manning moved to edit this section of the report as stated above. Seconded by Ms. Alexine Discussion: None. Vote: Unanimous. Motion carried.</p>

	<p>Page 2</p> <p>'Conservative projections' are defined. On recommendation # 3 add 'analyze' data.</p> <p>MOTION: Ms. Alexine moved to adopt the summary as amended.</p> <p>Seconded by Ms. Manning</p> <p>Discussion: None.</p> <p>Vote: Unanimous.</p> <p>Motion carried.</p> <p>In the report section of the document a disclaimer is added to page 1 by the Department of Labor legal staff.</p> <p>Staff will create a title cover page for the report.</p> <p>Mr. Clark asked for a description page for terms used in this section i.e. love and logic, cbt, etc. Ms. Manning and Ms. Alexine will develop the list of definitions.</p> <p>Page 4 delete 'self-serve' and add 'provide training'.</p> <p>MOTION: Ms. Brooker moved to amend report as amended.</p> <p>Seconded by Ms. Alexine</p> <p>Discussion: None.</p> <p>Vote: Unanimous.</p> <p>Motion carried.</p> <p>Page 5 14.</p> <p>Minor changes were made to the formerly proposed edits on these pages.</p> <p>MOTION: Ms. Manning moved to accept the edits to these pages.</p> <p>Seconded by Ms. Alexine</p> <p>Discussion: None.</p> <p>Vote: Unanimous.</p> <p>Motion carried.</p> <p>MOTION: Ms. Manning moved to adopt the final report as amended.</p> <p>Seconded by Ms. Alexine</p> <p>Discussion: None.</p> <p>Vote: Unanimous.</p> <p>Motion carried.</p>
	<p>Mr. Clark opened the meeting for public comment. No comments were received.</p>

BOARD & COMMITTEE MEETING SCHEDULE:	<p>Friday, September 8, 2006, 9:00am-11:00am</p> <p>Tuesday, September 12, 2006,</p> <p>1:15pm the Board will be making its presentation to the Economic Affairs Committee.</p> <p>11:00am the Board will be making its presentation to the Children, Families & Health Committee.</p> <p>Wednesday, September 27, 2006, 9:00am-11:00am</p>
ADJOURNMENT:	The meeting was adjourned at 11:30am.

MONTANA BOARD OF PRIVATE ALTERNATIVE ADOLESCENT RESIDENTIAL OR
OUTDOOR PROGRAMS
Board Meeting-Conference Call
301 South Park Avenue
Helena, MT
September 27, 2006
MINUTES
OPEN MEETING
9:00am – completion

Americans with Disabilities Act	The Department of Labor & Industry is committed to providing meeting access through reasonable accommodation under the Americans with Disabilities Act. Please contact the Board office prior to the proposed meeting date for further information.
CALL TO ORDER:	Chairman Clark opened the meeting at 9:05 A.M.
Board Members	<p>Paul Clark, Board Chair Representing Residential Adolescent Programs (Small Size Programs)</p> <p>Commissioner Carol Brooker Public Member</p> <p>Michele Manning Representing Residential Adolescent Programs (Large Size Programs)</p> <p>Mary Alexine Representing Residential Adolescent Programs (Medium Size Programs)</p> <p>Public Member Vacant</p>
DLI Staff	Cyndi Breen, Program Manager
Others	<p>Jacqueline Rutzke Sue Weingartner Gary Spaeth Linda Carpenter Joyce Sterkel Marylis Filipovich Tim Conley Roy Kemp Denise Ware</p>
REVIEW OF AGENDA:	Ms. Breen reported that Mr. Conley will be joining the meeting late.

	<p>MOTION: Ms. Manning moved to approve the agenda as presented. Seconded by Ms. Brooker Discussion: None. Vote: Unanimous. Motion carried.</p>
PUBLIC COMMENT STATEMENT:	<p>In accordance with 2-3-103 (1), MCA, the Board will hold a public comment period. Please note that Open Forum is the public's opportunity to address the Board on any topic that is not already on the agenda for this meeting. While the Board cannot take action on the issues presented, the Board will listen to comments and may ask the issue be placed on a subsequent agenda for possible action by the Board. The Chairperson of the Board will determine the amount of time allotted for public comment.</p> <p>Chairman Clark opened the meeting at 9:08AM for public comment. No comments were received.</p> <p>Ms. Breen announced that the Department of Labor & Industry has adopted a new policy on board minutes. All meetings are recorded. Those recordings will now be available to the public.</p>
APPROVAL OF MINUTES:	<p>September 8, 2006 Minutes. Grammatical errors: Bottom of page 3, the word register should be replaced with registered, & on page 2, board members should be two words.</p> <p>MOTION: Ms. Alexine moved to adopt the minutes as amended. Seconded by Ms. Manning Discussion: None. Vote: Unanimous. Motion carried.</p>
RECAP OF REPORTS TO: <ul style="list-style-type: none"> -Children, Families, Health & Human Services Interim Committee -Economic Affairs Interim Committee 	<p>Chairman Clark reported on the presentation of the Board's final report to these two committees. He stated that little discussion, questions, or comments were received as the committee members had just received the report prior to the meeting time. In presenting, Mr. Clark summarized the Board's findings and gave the Board's final recommendations to each group.</p> <p>Mr. Clark reported to the committee that the summary of the survey was not attached to the report but would be forthcoming.</p> <p>Ms. Manning & Ms. Alexine commented that Mr. Clark</p>

	presented well to both committees.
Survey Report 9:44:07	<p>Tim Conley Mr. Conley's survey report has been reviewed by the Board.</p> <p>Ms. Manning commented that the report reflects that 35 programs schools were surveyed when in fact only 28 valid programs existed then and now.</p> <p>Using the 35 number then, the survey reflects a 38% response rate.</p> <p>The only number that will change if the number of programs (35) goes down will be the % of programs who responded causing a higher response rate which would increasing the validity of the survey. All of the conclusions in the survey were based on the 17 programs who did respond.</p> <p>Board staff reported that 35 packets were mailed out with some being returned to the office as undeliverable. Staff will validate the number of packets that were returned to the office. Ms. Manning requested that Mr. Conley confer with Board staff and that an entry be made in the final survey report that explains the change from 35 to 28 programs.</p> <p>Ms. Manning commented that it's her fear that the lack of clarity about the actual numbers of programs in existence is an issue and one that the public will ask about.</p>
Ethics & Standards Committee continued work	<p>Chairman Clark requested that this committee remain standing and that two additional public members be added to reflect the composition of the Board. Current members are Mary Alexine, Linda Carpenter, & Joyce Sterkel.</p> <p>M. Manning questioned what more this group will be doing.</p> <p>Mr. Clark responded with "nothing specific", however expressed a desire to maintain the committee in order to continue to analyze information as it is presented.</p> <p>Ms. Alexine questioned Ms. Sterkel and Ms. Carpenter about their willingness to continue with the committee. Both responded that they would like to remain active & would appreciate two additional members in order to sift through current and any additional information that comes along.</p> <p>Ms. Manning commented that it is important to return to the bill for direction. The bill instructs the Board to study what the state of Montana currently has in place that applies to regulating programs, explore what does not exist, and make recommendations accordingly. She sees the current committee report as having addressed something different, but an adjunct</p>

	<p>to, what was asked for in the bill.</p> <p>The programs in Montana, on their own without regulation, have aligned themselves with standards from other states that have regulation for programs. Ms. Manning continued questioning what regulations Montana has that are aligned with other states and what issues need in depth exploration and further recommendations. It is not about what standards exist in other states except if we are pondering something from another state that is missing in Montana. She sees us utilizing the information in the report that we have so far but then turning a corner and going in a different direction.</p> <p>Mr. Clark concurred with Ms. Manning though sees "going in a different direction" as the next logical step to moving forward.</p> <p>Mr. Clark suspects the legislature, after digesting the information in this report, will ask "what is the next step". Ms. Manning stated that this very question supports the recommendations made by this Board. The Board's work is incomplete and its existence must remain in order for all of the questions to be answered.</p> <p>Mr. Clark asked that the committee members brainstorm some recommendations for new committee members and make those suggestions at the next full Board meeting.</p> <p>Ms. Alexine asked that the committee be allowed to meet prior to the next full Board meeting in order to consider the new positions.</p> <p>Ms. Carpenter has some ideas for new members and will forward the names to Mary Alexine.</p> <p>Mr. Clark asked Mr. Kemp of DPHHS if he could make recommendations as well and forward any suggestions that he or the Department may have to Ms. Alexine.</p> <p>Chairman Clark opened the meeting for public comment.</p> <p>Jacqueline Rutzke questioned if the committee, while looking at the standards from other states, could also examine the effectiveness of those standards in its home state.</p> <p>Mr. Clark confirmed that the question could be considered by the committee.</p> <p>The committee will meet by phone and in person on Wednesday October 25, 2006 from 10:00am-11:00am.</p>
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Final report Amendments	<p>Ms. Manning requested permission to clarify throughout the document the actual number of programs as 28.</p> <p>Board staff will confer with Pat Murdo as to the procedure for making the amendments.</p>
Legislation	<p>Chairman Clark confirmed that the Department of Labor and Industry will not be drafting legislation based on the Boards final report.</p> <p>Senator Jim Elliot may carry legislation for the Board that includes the recommendations in the final report. He explained that when a bill is introduced it is subject to amendments and that conceivably the initial bill could end up quite different than its original intent. It is his expectation that competing bills may be introduced regarding the regulation of programs. He also encouraged Board members to plan to attend as many hearings as possible when the bill or bills are heard.</p>
Web page update	<p>Ms. Manning expressed concern that information available to the public is not available on the web page. Board staff will audit the webpage and update with the necessary information</p>
Board Member Appointment	<p>To date, the vacancy created by Ms. Neihart's resignation has not been filled by the Governors office.</p> <p>Board staff reported on the process of being appointed to a Board by the Governor's office. The Board office has sent an e-mail to those on the interested persons list describing how to apply. Currently, the Governor's office does not have a pool of people to pick from to fill the vacancy. Board members will identify and encourage potential candidates in their communities to apply. In addition Roy Kemp committed to exploring candidates from DPHHS.</p>
What's next. Data collected Other information	<p>Ms. Manning requested this agenda item and reported that it's her sense that the item has been addressed throughout today's business.</p>
PUBLIC COMMENT	<p>Chairman Clark opened the meeting for any further public comment.</p> <p>Mr. Kemp respectfully asked if the Board had an opinion on the recent airing of the PBS special, "Who's</p>

	<p>Watching the Kids?"</p> <p>Board members declined to comment on the issue as a Board but expressed personal concerns about the documentary's impact on public perception. Mr. Kemp also declined to comment on DPHHS's position on the documentary but expressed personal concerns.</p> <p>Maryliss Filipovich commented that, in addition to the local publicity about programs, attention is being given on the national level. NATSAP, the National Association of Therapeutic Schools and Programs, recently sent a mailing to affiliate programs in Montana that unfavorably references the unregulated programs in Montana. She stressed the need for sensible regulation.</p> <p>Linda Carpenter announced that the majority of Montana NATSAP programs have gathered to form the Northern Rocky Mountain Regional Chapter of NATSAP group. The group has a public policy and public relations committee that will be actively working on their position on regulation. She offered that the group does believe that enough work has been done by the Board to warrant legislation that grants full regulatory authority. NATSAP has drafted a white paper and presented it to congress on regulation of programs. NATSAP is also working on a paper that compiles research on program outcomes.</p>
BOARD & COMMITTEE MEETING SCHEDULE:	<p>Ethics & Standards Committee: Wednesday October 25, 2006, 10:00am-11:00am in Eureka, MT</p> <p>Full Board: Friday, November 17, 2006, 9:00am-11:00am in Helena</p>
ADJOURNMENT:	Chairman Clark adjourned the meeting today at 10:40am.

MONTANA BOARD OF PRIVATE ALTERNATIVE ADOLESCENT
RESIDENTIAL OR OUTDOOR PROGRAMS
OPEN BOARD MEETING
MEETING
Department of Labor & Industry
301 South Park
Helena, MT
Basement Conference Room
December 29, 2006
9:00AM – Completion
MINUTES

This agenda is subject to change up to 3 working days before the Board meeting. For the most accurate agenda, please consult the web site at <http://www.paarp.mt.gov>

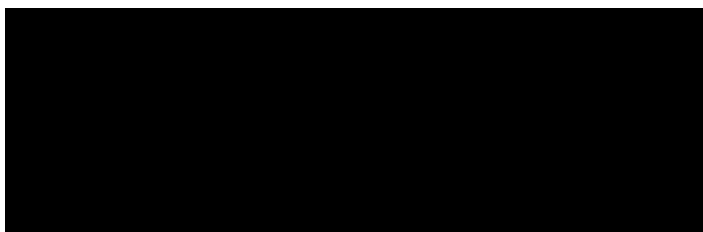
Americans with Disabilities Act	The Department of Labor & Industry is committed to providing meeting access through reasonable accommodation under the Americans with Disabilities Act. Please contact the Board office prior to the proposed meeting date for further information.
1. CALL TO ORDER	<p>Chairman Paul Clark called the meeting to order at 9:10A M</p> <p>Roll Call</p> <p>Paul Clark, Board Chair Small Residential Adolescent Programs</p> <p>Michele Manning Large Residential Adolescent Programs</p> <p>Mary Alexine Medium Residential Adolescent Programs</p> <p>Daniel Bidegaray Public Member</p> <p>Absent Commissioner Carol Brooker Public Member</p> <p>Today is Mr. Bidegaray's first board meeting since his appointment by the Governor's office. Introductions were made.</p>

DLI STAFF	Anne O'Leary – Legal Counsel Cyndi Breen – Program Manager Lisa Addington – Bureau Chief Marilyn Kelly-Clark – Unit 2 Supervisor Jack Kane - Acting Division Administrator
OTHERS PRESENT	Jacqueline Rutzke Sue Weingartner Gary Spaeth Sami Butler Anita Roessmann By phone: Linda Carpenter Roy Kemp
2. REVIEW/APPROVAL OF THE AGENDA	Review of the December 29, 2006 agenda. Motion: Ms. Manning moved to approve the agenda as presented. Seconded: Mary Alexine Discussion: None Vote: Unanimous Motion carried
3. APPROVAL OF MINUTES	Review of the September 27, 2006 minutes. Mr. Clarks commented that he did not have confirmation from Senator Elliott about his intentions to carry legislation. Motion: Mr. Clark moved to change page 5, the section regarding legislation, to read "Senator Elliott <u>may</u> carry legislation" rather than " <u>will</u> carry legislation." Seconded: Ms. Manning. Discussion: None Vote: Unanimous Motion carried Motion: Ms. Manning moved to accept the minutes as amended. Seconded: Mary Alexine Discussion: None Vote: Unanimous Motion carried
4. PUBLIC COMMENTS STATEMENT:	In accordance with 2-3-103 (1), MCA, the Board will hold a public comment period. Please note that Open Forum is the public's opportunity to address the Board on any topic that is not already on the agenda for this

	<p>meeting. While the Board cannot take action on the issues presented, the Board will listen to comments and may ask the issue be placed on a subsequent agenda for possible action by the Board. The Chairperson of the Board will determine the amount of time allotted for public comment.</p> <p>Chairman Clark opened the meeting for public comment. No comments were received.</p>
5. BUDGET/FINANCIAL:	<p>Review & approval of the budget. Staff presented the November SABHRS with no remarkable expenditures. The Board currently has a balance of \$14,526. 57. Chairman Clark asked if there would be any exceptional expenses between now and the end of the fiscal year. Staff reported that to date none are expected. Ms. Addington reported that the Department has done budget projections for '08 – '09 as part of the Department budget. The projections were done based on the current laws and rules. Should new legislation be proposed, likely a fiscal note will be requested of the Department and submitted as part of the legislation. The fiscal note would reflect any additional costs above the base budget.</p> <p>Motion: Ms. Manning moved to approve the budget report as presented. Seconded: Mr. Clark Discussion: Vote: Unanimous Motion carried</p>
6. LEGISLATION REVIEW	<p>LC 1003, requested by Senator Jim Elliot LC 1004, requested by Senator Trudi Schmidt LC 1896, requested by Senator Greg Lind</p> <p>Chairman Clark had asked Staff to invite legislators to today's board meeting to share information about any legislation. Senator Schmidt declined the offer and a response was not received from Senator Lind or Senator Elliot.</p> <p>Staff shared an e-mail message from Mark Cadwallader Department Counsel, regarding legislative updates. That message is attached.</p> <p>Roy Kemp shared that he had some discussions with Senator Schmidt regarding legislation. He has deferred</p>

	<p>her questions to the Department of Labor. DPHHS is not drafting legislation regarding this Board and will serve only as informational witnesses for any bills that come forth.</p> <p>Ms. Addington shared that the Department has had meetings with Senator Schmidt and with Sue Weingartner and Gary Spaeth to answer questions as each of them address legislation. This is standard practice.</p> <p>Gary Spaeth representing MAARP commented on his communication with Senator Elliott and a bill draft that they have been working on. Highlights of their bill include:</p> <ul style="list-style-type: none">-a continuation of the Board's study,-mandatory registration and licensure of schools,-rules and regulation for program in place July 1, 2009 in order to gain legislative approval,-allowing the Board plenty of time in the development of rules and regulation,-Board authority to review complaints,-possible expansion of the Board to include an OPI representative and possibly a seat for someone representing alternative public schools,-inspections of schools biennially or as deemed necessary by the Board. <p>The Board does not intend to take a position on legislation that may be introduced regarding the regulation of programs.</p> <p>Anne O'Leary briefed the Board members on the process for attending hearings as individual school owners and as Board members. In order to testify at a hearing as a Board member prior approval through the Department and the Governor's office is required.</p> <p>Chairman Clark offered Mr. Bidegaray a brief history of this Board and HB 628 and the opportunity to comment on any of the information discussed. Mr. Bidegaray declined any comment and expressed his interest in listening and learning.</p>
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<p>7. Committee Reports ETHICS & STANDARDS</p>	<p>Committee chair Mary Alexine reported that one new person has been approached by the committee to serve with this group. Duff Garish, a semi-retired psychologist from St. Ignatius may be interested in the work that the committee is charged with completing.</p> <p>Chairman Clark reviewed the history about this committee plus the need for one more public member. Ms. O'Leary reminded the Board that committee members are not compensated as Board members are for per diem, travel, food, or lodging. Ms. Alexine will get this information to Mr. Garish and see if he is still interested.</p> <p>The issue will be discussed at the next board meeting.</p>
<p>8. Next meeting</p>	<p>Board member considered scheduling the next full board meeting upon conclusion of the legislative session.</p> <p>Ms. Addington reminded the Board that the Department monitors all legislation related to the licensing boards. Should an issue arise, the Department can contact the Board to arrange for a meeting or a request to the Governors office to participate in a hearing.</p> <p>She also encouraged Board members to monitor the bills on the Montana legislative web site.</p> <p>The next Board meeting will be scheduled at a later date.</p>
<p>9. Adjournment</p>	<p>Motion: Mr. Clark moved to adjourn the meeting at 10:20AM with the understanding that after a short break, Board members will participate with Paul Mickelson, DLI I.T. staff on Department scanning and the use of electronic board books.</p> <p>Seconded: Ms. Alexine</p> <p>Discussion: None</p> <p>Vote: Unanimous</p> <p>Motion carried</p>



**PRIVATE ALTERNATIVE ADOLESCENT RESIDENTIAL
OR OUTDOOR PROGRAMS
FULL BOARD MEETING
301 S. PARK AVENUE, HELENA, MT
BASEMENT CONFERENCE ROOM
APRIL 23, 2007
9:00AM - COMPLETION
MINUTES**

This agenda is subject to change up to 3 working days before the board meeting.
For the most accurate agenda, please consult the web site at www.paarp.mt.gov

AMERICANS WITH DISABILITIES ACT:

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CALL TO ORDER:

Members Present:

Paul Clark, board chair
Mickey Manning
Carol Brooker

Absent:

Daniel Bidegaray
Mary Alexine

Staff Present:

Cyndi Breen
Anne O'Leary
Marilyn Kelly-Clark
Shane Sierer

Others Present:

Sue Weingartner
Beth Brenneman
Lora Cowee
Gary Spaeth
Carl Baisden
Danise Thorn
Duff Garrish
Roy Kemp
Mona Jamison

Others Present by phone:

Maryliss Filipovich

Patrick McKenna
Linda Carpenter

REVIEW OF AGENDA:

Review and approve:

Motion: Ms. Brooker moved to approve the agenda as presented.

Seconded: Ms. Manning

Discussion: None

Vote: Unanimous

Motion carried

APPROVAL OF MINUTES:

Review and approval of the December 29, 2006 full board Meeting

Chairman Clark remarked that Senator Elliott, though not present for the early portion of the meeting, did attend towards the closing of the meeting. He lingered after the meeting and visited with staff and board members.

Motion: Mr. Clark moved to approve the minutes as amended to include attendance by Senator Elliott.

Seconded: Ms. Manning

Discussion: None

Vote: Unanimous

Motion carried

PUBLIC COMMENT STATEMENT:

In accordance with 2-3-103(1), MCA, the board will hold a public comment period. Please note that Open Forum is the public's opportunity to address the board on any topic that is not already on the agenda for this meeting. While the board cannot take action on the issues presented, the board will listen to comments and may ask the issue be placed on a subsequent agenda for possible action by the board. The Chairperson of the board will determine the amount of time allotted for public comment.

Chairman Clark opened the meeting for public comment. No public comment was heard.

AGENDA ITEM #1

BUDGET/FINANCIAL:

Board staff reported that the board's current cash balance is \$7845.53. The month's expenditures included cost allocation and one travel voucher submitted by a board member.

Shane Sierer, DLI Bureau Chief, Centralized Services, attended today's meeting at the request of the Department of Labor & Industry for the purpose of explaining options available for boards that do not have immediate operational funds available

to them. Mr. Sierer explained that the only option available to boards in such circumstances is to take out an interagency loan through the Department of Administration. It is established that the board will have a shortage of funds prior to the rule writing process, receipt of applications, or receipt of renewal fees from licensees. The Department of Administration looks to see if there is a board that has a healthy cash balance. The loan is actually taken out against another board's funds allowing for those funds to actually subsidize the board suffering with the shortage.

During the year the board requesting the loan accumulates a negative balance to which the Department does nothing. At year end however the board cannot have a negative balance. Mr. Sierer explained that it was his understanding that the board will finish this year with a positive balance but the fiscal concern is likely with FY 2008 and 2009. One solution to a problem will be to ask for the loan over a two year period.

Ms. Manning asked if the loan is interest free. Mr. Sierer reported the loan is interest free, that it is quite simply a book keeping issue but that it is important that staff and the board to accurately project costs upon initial loan request. It is not an option to receive the loan, spend the funds and return to the Department of Administration with a second request. Ms. O'Leary asked what other boards have had similar circumstance. Ms. Kelly-Clark explained that currently there are no boards attached to the Health Care licensing Bureau that have loans, but the Business & Occupational Licensing Bureau did encounter a similar situation in the recent past.

Ms. Kelly-Clark asked Mr. Sierer to explain the impact of having a negative balance at fiscal year end 2008 and what the long term affects could be on the budget in such a scenario. She projects costs related to legal fees, rules preparation, compliance and a considerable increase in cost allocation. How long will it take for the board to catch up, pay off the loan and function in the black? Mr. Sierer explained that there can be a domino effect if in the rule making process the board doesn't take into consideration keeping fees commensurate with costs. It is critical that fees be set to absorb the cost of the loan and funding for up coming fiscal periods. Mr. Sierer commented that taking out a loan is not advisable but should only be considered a last resort. He further stated that the Department currently has 5 boards that have a negative cash balance.

Ms. Jamison asked if there was a possibility for attaching a surcharge to the first year's fees. Chairman Clark commented that this issue would be addressed during agenda item #6 under fees. Particular attention needs to be given to the language in the bill around the words 'registration' and 'licensure' and if a fee can be charged for the renewal of current registrations which could help to off set the operating costs of the board until rules and the licensure process is in place.

Mr. Clark asked how long the current budget will last if the board meets monthly and perhaps hosts a couple of Committee meetings. Ms. Kelly-Clark reported that the board will skate into fiscal year end very close to a zero balance. Ms. Manning commented that she is committed to not incurring any budget expenses as a paid board member and reminded all that the board had made a motion to work without per diem with the exception of the newest member.

Chairman Clark emphasized that at some point the board needs to revisit that motion. He recalls that it was the board's intent to comply with the motion in a noble effort to finish the biennium with a cash balance but in no way should the same sacrifice be implied under the new mandates of HB 769. Board member should be compensated though individual members can opt to decline the opportunity to submit reimbursement forms to the Department. Committee members, on the other hand serve strictly on a volunteer basis and no compensation is allowed.

Mr. Clark asked Mr. Sierer to provide budget projections for 2008-2009 and asked what the cost would be to have him do this work. Ms. Kelly-Clark commented that those projections for this board have already been done. Mr. Sierer added that there would be no additional costs if he performed any duties for this board as his costs are already included in cost allocations for all of the boards at the Department.

Mr. Clark stated that the board will be spending much time on fees and he asked the process of and authority of the board in doing this work. Ms. O'Leary responded by emphasizing 37.1.134, MCA that states that fees must be set commensurate with costs for licensing.

Ms. O'Leary brought to the board's attention the following scenario:

Current board members are appointed by the Governor for three year terms expiring in August 2008. If the board goes into a negative balance in July 2007 which is fiscal year 2008, you will have one year according to Mr. Sierer, to begin to repay the loan. Should members not be reappointed to the board by the Governors office they could leave the new board with a loan that can not be paid back, no rules in place and a bit of a disaster.

AGENDA ITEM # 2

Highlights of HB 769

A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING MANDATORY REGISTRATION AND LICENSURE OF ALTERNATIVE ADOLESCENT RESIDENTIAL OR OUTDOOR PROGRAMS; ALLOWING FOR PROVISIONAL LICENSING; PROVIDING FOR BACKGROUND INVESTIGATIONS OF CERTAIN EMPLOYEES AND MANAGERS AND ALLOWING FOR A WAIVER; DIRECTING THE DEPARTMENT OF LABOR AND INDUSTRY TO ADOPT RULES REGARDING PROGRAM CRITERIA; REQUIRING DEPARTMENT INSPECTION OF THE PROGRAMS FOR LICENSURE AND EVERY 3 YEARS; ALLOWING INSPECTIONS IN RESPONSE TO COMPLAINTS; PROVIDING PENALTIES AND NOTIFICATION PROCEDURES; REVISING DEFINITIONS; ESTABLISHING CRITERIA FOR ENSURING PUBLIC HEALTH AND SAFETY FOR PROGRAM PARTICIPANTS; REQUIRING PROOF OF INSURANCE; AMENDING SECTIONS 37-48-101, 37-48-102, AND 13 37-48-103, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

Anne O'Leary reviewed HB 769 summarizing each section of the statute. The bills effective date is April 10, 2007.

AGENDA ITEM # 3

Rule writing process overview

Licensure of facilities vs. licensure of individuals

Anne O'Leary summarized the rule writing process. This board is obligated to have rules in place by October 2008.

Regarding licensure of facilities verses licensure of individuals Ms. O'Leary reported that the Department does both functions. The Department licenses morticians and funeral directors, pharmacies and pharmacists. In the case of this board they will not be licensing individual program owners but only facilities.

Chairman Clark asked if the board could do an analysis of existing models in order to derive a template to work from. Ms. O'Leary remarked that schools are regulated in other states and this board should be looking at the rules from other states. Ms. O'Leary supplied rules from some states for review; Oregon, Idaho, Arizona, Utah.

She commented that it is best to look at other states with programs already in place.

AGENDA ITEM # 4

Unfinished business of HB 628

Anne O'Leary reported that HB 628 has been "gutted" by HB 769. There really is no unfinished business. With the exception of the lack of clarity over the term 'registration' HB 769 trumps the language in HB 628.

Ms. Manning asked if the work done in HB 628 is now nullified or do the new rules need to be in place to replace the current rules and what if rules are completed before October 2008? Is the registration no longer valid? Mr. O'Leary responded saying that programs will remain registered however, depending on the expiration of the two year original registration, programs may need to re-register.

Mr. Clark asked what's the expiration date of the registration of HB 628?

. Is it from the time that the bill passed or when the board adopted rules? The date could either be April 2007 or April 2008. The bill and rules are confusing. Staff explained that originally HB 628 had programs registering by April 2006 for a 2 year registration period with the programs updating their information annually with no additional or renewal fees. Ms. O'Leary explained that the rules do not limit the board from charging another registration fee.

Chairman Clark asked if the new language supersedes all of the language that is in HB 628. Ms. O'Leary stated that some language has been struck in HB 628 where there are changes and new sections have been added. In essence HB 628 has not been repealed but it has been changed.

Carol Brooker stated that if the statutes have not been repealed then the current rules remaining effect until new rules are written: registrations could be updated. Ms. O'Leary stated that programs could be required to re-register, provisional license registration updated annually, with no renewal fee. Most programs were registered in January of 2006 so they would be valid until January 2008.

Mr. Clark clarified his question stating that the new language says "the board shall adopt rules and set fees for mandatory registration and licensing". The old language said, "The board shall develop and implement a process for registration of programs and to set fees to carry out its duties under this section." His question is, has the old mandate been fulfilled and is the new mandate the language that is in HB 769 as listed above. If there was not to be new registration why is that language in

there? Ms. O'Leary said that she could see a number of scenarios; first off, the legislation could have anticipated giving that drop date of October 2008 and that there would be a need to re-register programs while the new rules are written and implemented, second it could have been legislative oversight as so often happens when the legislation sometimes confuses certification, registration and licensing and that it got left in the new bill. There is no need to develop a plan for registration. It's questionable why we would have rules on registration if we are working on licensure. If we are registering while we are working on licensing rules, it seems to be a moot point. It is Ms. O'Leary's opinion that the board does have the ability to re-register programs.

Chairman Clark stated that the board needs to decide whether to recoup costs by charging another registration fee in addition to the fees for licensing which will cover up and coming costs. It will be important to get a legal analysis of whether or not the board has the authority to do this and therefore be able to cover costs separately through registration and licensing rather than taking out a loan.

Mona Jamison commented that programs need to be able to be in business. If board counsel sees register as an acceptable option in order to meet the budget and have program functioning legally then it's a good solution.

Marilyn Kelly-Clark stated that many boards have an application fee, and a licensing fee. The application fees are submitted initially upon application for licensure while the licensure fee is paid upon completion of the application process. This board has been granted power to require inspections, background checks and you have a lot of other issues that need to be addressed with each program. Could the board take a look at breaking down the costs and tasks and charging according to each one? This would give the board funds to operate and it would give programs time to move into compliance with the new law. The process would need to be time limited stating that the application process must be completed by a specific date or the applicant loses the fee and must reapply if their application expires.

Mickey Manning commented on the word "mandatory". Under HB 628 programs had the option to registered and participate in the study. Now programs are mandated to comply with full licensure.

Anne O'Leary, stated that the only schools who can receive provisional licenses according to the new law are those schools who registered by December 2006. So, the only schools that can be re-registered are those schools that are currently registered. According to staff, currently there are six schools who have not registered. These programs will be functioning without registration and without licensure.

Gary Spaeth explained that the bill is confusing because it was written at 11:00 at night and in haste. He authored the bill. He explained that the provisional license ought not to be confused with registration. It is not necessary to read too much into new section 2. Mr. Spaeth referenced the heading of the bill:

"A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING MANDATORY REGISTRATION AND LICENSURE OF..." Mr. Spaeth stressed that the intent was to have mandatory registration in this hiatus period during now, and that the rules for licensing need to be adopted and in place in 2008. He explained that during that period there was the need for a hiatus and funds for the board. Back to the language in 103, "adopt rules and set fees for mandatory registration and licensing", this section has an immediate effective date. There are rules in place in 24.181.401, that state the registration fee covers a two year period. If you look at the statute, as it exists there is no requirement that it be a two year period. Registration could cover a period of time until the time when the program is licensed. You could calculate the fees accordingly. The intent was that registration would go out of existence once the program was licensed. In the amendments the language drops the term registration and changes it to licensing. It was understood that there was a transition period and that the board needs to have broad rule making authority requiring programs the opportunity to license and those six programs who are not registered could get licensed and the rules needed to reflect that. That was the intent here and granted it wasn't as clear as it should have been but that was the intended.

Roy Kemp commented that the board may want to consider staggering the applications during the transition time. If they are not staggered the board may find itself scrambling every 2-3 years in order to get all of the work done.

Ms. O'Leary asked Gary Spaeth if mandatory registration and licensure was the intent then why then does 37 48 101, the purpose, say that purpose of the board is to license and regulate? This is where we run into some confusion with the terms registration and regulation. Mr. Spaeth agreed that the language could have been better drafted. "This language was lifted from SB 288. Still even that, if you look at the title of the bill and the rule making authority I think that trumps the purpose in most instances looking at case law. On behalf of the 13 members of MAAPP, we would go on record in support of that just because the board needs that transition and needs to set the rules straight. I think that there could also be an argument that the rules are in place now and the board would have the authority to amend the rules that are basically in place and they should do that in order to raise money in the meantime until licensure goes into effect."

Ms. O'Leary commented that given that most of the programs have a registration expiration date of January 2008 the board still risks a time period where they will experience a negative cash flow.

Ms. Jamison agreed with Mr. Spaeth regarding registration for the transition period and raising funds whether the existing rules allow that or not. However, there is a point where a program must have a provisional license in order to operate. Ms. Jamison expressed concern regarding page 2, line 6-8; the provisional license. Programs had to have registered by December 2006 which is a matter of law. If the program is not registered by that date, programs will never get a provisional license and programs are operating illegally. The registration is the transition where the legislature is saying to registered programs, relax, you can continue to

operate legally under your registration; and can progress to a provisional license. If a program was not registered by this date, you are unregistered you do not have a preserved status. I know that there have been amendments circulating among the board and the penalty, on page 4, line 19 says that you can not operate without a license or a provisional license. I would submit that if existing registrants were registered as of December 2006, they should be able to continue registration up until the time that they are able to get a provisional license. The rules could be adjusted to allow the fee to do that and it seems to be in the spirit of the bill. It was not meant to disenfranchise existing programs.

Ann O'Leary commented that a provisional license was granted to those programs that who were registered. Page 4, line 3 the board shall adopt rules to begin licensing and programs have 30 days from the effective date to apply for licensure. The penalty is that you can not operate without a provisional or full license. This means that only programs that are registered are going to get a provisional license and those provisional licenses will need to be handed out immediately. Sometimes licensure application can take up to 90 days. Programs would be at risk for dropping into a penalty. She does not see anything that prevents a program from registering that wants to get on with things if you accept Mr. Spaeth's argument that mandatory registration is required. Any program that does not have an application in within 30 days and can not get the provisional is going to be operating illegally because there is no way as a technical matter, or an administrative matter, that we can get a license out there. So registration will be offered to those six programs that want to jump on board. Registration is mandatory and we will grant a provisional license to a program that was registered and has submitted all of the material. The law doesn't say that we can't grant a provisional license to them.

Chairman Clark asked that this issue be added to the next agenda.
Chairman Clark opened the meeting for public comment.

Patrick McKenna commented on page 2, section 2 of HB 769. He understands that registered programs will get a provisional license and if they comply with 37 38 103, page 6 (2) would it be possible for the board to expedite the issuing of licenses?

Mr. Mc Kenna is the chair for MAAPP, and believes that programs who are members of MAAPP could support the above process and understands that it would assist in the board dealing with its cash flow issues.

Mr. Clark commented that the entire rule making process must be gone through, including a review of the budget and the establishing of fees in order for full licensure to occur.

Ms. Jamison asked if there couldn't be a procedure where the Department could offer regulations from 3-4 other states to the board and have the board approve the one that they favor. Adopting these regulations, not reinventing the wheel, would establish a process and establish fees providing a clear vehicle for non-registered programs. After this initial rule adoption, then the board could go back

through and amend sections where there is different desired latitude. With rules adopted, fees set and collected, the programs that missed the provisional license opportunity have the opportunity to gain licensure. This process would address the budget issues and the programs excluded by the December 2006 cut off date. This 'grandfathering' would keep programs from being forced to close.

Ms. O'Leary expressed support for Ms. Jamison's comments saying that legal staff is attached administratively to the boards and part of those administrative duties includes rule writing. In light of the looming budget crisis with this board the sooner they complete rules the better.

Gary Spaeth cautioned against rushing too quickly and adopting someone else's rules. He further stated that this was not the discussion during the legislative hearings. It's easy to take someone else's rules, but once you go down that path it's hard to change. He encouraged the board to be thoughtful in its rule work and take a substantial amount of time in drawing its conclusions. It's his perception that though there may be a crisis it's not as looming as implied. Instead of grandfathering the board may come up with a better idea as it goes through this process. The rule making authority of the board is very broad. "Haste makes waste." Mr. Spaeth concluded that including the wrong date, December 2006, is a good example of the price one pays for being hasty.

Paul Clark commented that in this very political environment he wondered if the board could agree on any particular state or standards given the broad spectrum of preferences. He questioned if the board would not waste time in trying to come to an agreement. He expressed a commitment to the process and has some ideas of how to proceed, expedite the process and finish well in advance of the October 2008 deadline.

Anne O'Leary stated that the board cannot exceed our statutory mandate we must work with this legislation.

Mr. Clark asked what side boards Ms. O'Leary saw as necessary.

Ms. O'Leary named: having rules in place, having 30 days from the rules adoption dates to accept applications, only those programs registered in 2006 can get the provisional license, the law is silent about what to do with programs that were not registered, and a method to deal with the unlicensed practice of programs who can not get a provisional license. She further clarified that the board can not create a new category of licensure and it's too late to get this bill amended.

Ms. Kelly-Clark asked that the board be aware that the Department has time constraints as does the board. Once rules are adopted, IT staff, the web master, and Montana interactive need anywhere from 6-8 weeks at the end of the rules process to do their work in getting the board pages up and running.

Carol Brooker asked Ms. O'Leary if the six unregistered programs couldn't register now and wouldn't they fall under the current rule. Ms. O'Leary stressed that

certainly they could register now however, the way that HB 769 is written with the cut off date for registration as December 2006, those programs are not eligible for a provisional license.

AGENDA ITEM # 5

Common ground of HB 628 & HB 769

Ms. O'Leary commented that this had been covered during the last discussion.

AGENDA ITEM # 6

Proposed New Rules

Ms. O'Leary stressed that the topics below are general topics which will need to be addressed in the rule writing process.

A. Board Organization

B. Procedural Process

Anne O'Leary: These two items are boiler plate, common language among all boards. Ms. O'Leary recommended that the board may want to consider whether they want to mandate by rule the number of meetings per year. In regard to board leadership, this board appoints its board chair and vice chair at its Fall meeting. This task did not occur during Fall 2006.

Motion: Ms. Brooker moved to put the appointment of board chair and vice chair on the agenda for the next full board meeting.

Seconded: Ms. Manning

Discussion: None

Vote: Unanimous

Motion carried

C. Definitions

Each set of rules contains a section of definitions.

D. General Provision Section

1. Fee schedule: These rules will be based on budget projections. Staff reviewed the past fee schedule used and the fiscal note attached to HB 769.

To date the board has:

13 schools registered at the 0-10 students - \$750/school
6 schools registered at the 11-50 students - \$1750/school,
3 schools registered at the 51-100 students - \$2000/school,
1 school registered at the 101+ students - \$3000/school.

The fiscal note with its fee schedule attached to HB 769 used numbers from the prior year and 2008-09 projections with categories added according to the proposed legislation, i.e., rules process, inspections, compliance, travel. The board is the final

authority on how fees are charged to programs in order to meet the board's fiscal responsibilities.

Mr. Clark commented that it's been his experience that programs have been satisfied with the past fee schedule. He has gotten one comment from one school who expressed concern for the high cost to programs that had less than 5 students.

Ms. Manning commented that we will want to clarify exactly the number of students that the programs have and a mechanism to cope with fluctuation in those numbers.

Patrick McKenna asked if the budget included inspections. And if it does, perhaps a way to reduce costs would be to accept a national accreditation in lieu of an annual inspection. It was discussed that this could be considered for later inspections however current statute mandates that initial licensure includes an inspection.

Laura Cowee confirmed that her experience with facilities has been according to how HB 769 is written i.e. accepting a national accreditation.

2. Fee abatement: Anne O'Leary stated that this is boiler plate and based on Department rule. Boards must not maintain cash which exceeds twice its budget. These rules allow for the board to deal with those funds and prevent a loss of the dollars to the general fund.

3. Application process: The application process is standardized to a degree by the Department with the board drafting any special needs that it has.

4. Address changes: Anne O'Leary stated that this is boiler plate and standardized by the Department.

5. Renewal: Anne O'Leary stated that this is boiler plate and standardized by the Department.

E. Licensing

1. Provisional license qualifications: Ms. O'Leary referenced the statute on provisional licensing in new section 2. A provisional license may be granted upon receipt of a new application, background materials, and the fee. The provisional license is good for 1 year and contingent on the on-sight inspection.
2. Full license qualifications: New section 1. Ms. O'Leary stated that this section is a bit confusing in that a license may be issued for a period of 1-3 years. Will the board set different fees for the different number of years? No opinion was available on this issue. In regard to renewal, the budget will play a huge role.

Staff shared that a board has much more flexibility with its budget if it maintains an annual renewal. Ms. Brooker asked staff if a public hearing needs to be held if or when fees are changed and the answer to this question is yes.

3. Non-transferability: The board will need to determine what criteria it will use if it does transfer a license.
4. Change in program location: How will this happen seamlessly and keep students safe.
5. Posting of a license: Boiler plate
6. Probationary license: When an infraction of a license occurs how will the board define the levels of infraction and the monitoring of the program?
7. Fees:
8. Mandatory insurance provision: Required by statute and boiler plate.
9. Licensure qualification: Ms. O'Leary only briefly commented on each category below as most are self explanatory. Most could be addressed by reference to other codes.
 - a. Personnel
 - b. Program description: overlaps with plan of operation
 - c. Facility descriptions
 - d. Building codes
 - e. Security
 - f. Records maintenance
 - g. Nutrition – Food service
 - h. Drug maintenance
 - i. Fire codes
 - j. Bathrooms

F. Program criteria

1. Residential programs
2. Outdoor programs

7. Unprofessional conduct

1. Prior complaints

Paul Clark commented on the requirements stated in the bill and those that are implied in E-9. He suggested for discussion the idea that the Standards & Ethics Committee address the issues in E-9. This is a standing committee that has compared standards and licensing qualifications from other states and national organizations. Some of their work was presented in the board's final report. Currently the committee has three members, Mary Alexine, Linda Carpenter, and Joyce Sterkel. Mr. Clark suggested expanding the Committee to include the appointment of three public members.

The Committee could work concurrently with the board addressing their topics and then make their recommendations to the full board.

The board is the ultimate authority and will make the final decision.

The meetings would be properly noticed as public meetings, with a vice chair appointed and board staff available.

Carol Brooker commented that many of the issues on the list for the Committee really aren't topics that need much attention and it could be a waste of time and resources to give them much attention. She questioned whether board staff would need to be available for all meetings as the Committee chair is requesting that most meetings be held in Kalispell. Mr. Clark responded that staff will need to be available however meetings may need to be held by conference call to accommodate resources and schedules.

Mona Jamison commented on the inclusion of public members on the Committee. She understood that the Committee was made up of only board members. She vigorously opposes the inclusion stating that it raises an appearance of impropriety and undo influence. She does support full public participation by way of public notice.

It was clarified for Ms. Jamison's benefit that the Committee did not consist of only board members but historically has had other program people involved.

Mr. Clark envisions a seven member committee with three of the seven being public members.

Carol Brooker commented on her experience with other boards and their participation with the public.

Mr. Clark expressed concern over seeing the board trying to do all of the work; it's either going to take three years to do it or we take some other regulation off of the shelf and adopt them. Having the Committee working simultaneously with the board would allow the board the autonomy of getting the work done in the timeframe awhile maintaining some of its creative freedom and flexibility.

Roy Kemp talked about forming work groups. Work groups or sub-committees are voluntary individuals who have a vested interest in the issues.

Anne O'Leary stressed the new purpose of HB 769. In 37.48.101 the purpose of the board is to license and regulate,,, necessary license process and safety standards for programs are best developed and monitored by the professionals who are actively engaged in providing care. The legislature is deliberately looking to the professionals who are on the board to develop the rules.

Patrick McKenna added that he supports the Committee concept but would like to stress the importance of having all of the sizes of schools represented on the Committee.

The board recessed for lunch from 12:30pm – 1:20pm

Mr. Clark re convened the meeting at 1:20PM

Motion: Mr. Clark moved to refer items E 9 a, and E-9, e-j and F, residential and outdoor programs, to the Ethics and Standards Committee and to

increase the Committee size to add 3 public members to the current Committee.

Discussion: Ms. Brooker expressed nervousness about the motion. Ms. O'Leary objected to the motion and recommended that the board allow the Department to develop a framework/template of rules for the board to review. Staff could easily do this with the board then filling in the gaps which deserve specific attention. Ms. Brooker asked if the motion could be amended to allow board staff to do as Ms. O'Leary has suggested. Ms. Kelly-Clark alerted this board to two issues. First, the Department operates under a mandate from the executive branch. The mandate insists that in an effort to control costs the board host meetings in Helena. Secondly, staff time is a scarce commodity. Legal staff serves 9+ other boards and board staff serves three boards. Ms. Manning stated feeling very confused by the motion. Mr. Clark explained parliamentary procedures and asked for a second on his motion.

Seconded: Ms. Manning

Vote: Unanimous

Motion carried

Chairman Clark opened for discussion the recommendations from Ms. O'Leary regarding the development of a rules template for the board to consider. Ms. O'Leary offered an overview of drafting a template and how it may be useful to the board.

Ms. Brooker expressed full support of the idea asking that staff develop a template for both the Committee and the full board.

Ms. Manning cited some areas where a template could be most useful.

Mr. Clark opened the discussion for public comment.

Ms. Jamison had thought that the purpose of making the earlier delegation was to give up those areas of rule that did not require a whole bunch of discussion and that could be turned over to a Committee. She further offered that it has been her experience that boards and the public can become dreadfully overwhelmed with the rule writing process and drown in it. A draft prototype could help to relieve some of the stress around that process.

Mr. Spaeth commented that the key component of the legislation is the definition of the 'plan of operation'. This is the center piece of the bill and is what makes Montana different than other states. He admitted that it was taken from HB 288 and that he isn't sure exactly what that means.

Patrick Mc Kenna asked if when these rules are done, are we done? The answer to this question is no. Rule writing will be an ongoing process.

Ms. O'Leary clarified that 'plan of operation' is clearly addressed in the statute and needs to be clearly defined in rule.

She reminded the board of the need to adhere at least to some degree to "generally acceptable standards of practice" and the liability that they face should they not meet a minimum standard.

Mona Jamison referred the board to pages 3-4 and encouraged board members to heed the advice of their legal counsel and recognize that this is the guide post for this board. She stressed that board staff is familiar with codes of conduct, rule writing, and unprofessional conduct. In looking at pages 3-4 she states that this section clearly defines the board's duties and should be used as the guide. Ms. Jamison wondered if perhaps the way that the agenda items are listed is causing some confusing and having people confused by how the agenda tasks are married to the implementation.

Mr. Clark said that this is going to be a big task and he is content to take this meeting and another meeting to process just what it all means. We are going to have difficulty if what we accomplish is nothing more than a different way to adopt regulation from another state. I don't think that was why the board was formed. The purpose of pursuing licensure in this way is to have a credible product while preserving creativity and the two are not mutually exclusive. Other states continually have found their regulations to be smothering. How do we take the best from other states and leave behind the smothering parts. Anne O'Leary stressed that this is what the Department has attempted to do by offering examples from other states for the board to pick and chose from. She mentioned, with respect, that she did not see the word "creativity" in the statute. She further commented that in order to determine whether a regulation was "smothering" the board will need to see what they are, we can't start to creatively imagine what is smothering.

Gary Spaeth said that every hearing included the language of creativity and innovation. He further commented that there are basic regulations that really apply to all programs and those are ones that it would be great if the Department could work on. Once the board is past that then what kinds of regulations do you envisioned requiring in the for plan of operation, and it wasn't taken from Idaho, at least in my understanding that's where you get into how you apply something to a 3-5 program, to an outdoor program, to an outdoor year around program, etc. That's where the plan of operation needs to pull in all sorts of creativity and innovation. There are the NATSAP standards that also need to be considered for litigation purposes those would be just as important and apply.

Jacqueline Rutzke commented that it's important to remember that the purpose of regulation is for the protection of kids and families.

Marilyn Kelly-Clark commented that for many boards faced with creating rules for new legislation, the Department has often times provided research and information to board members in order to write new rules. It's common practice. Then during the board meeting, board members pick and chose what works for them. The Department is not interested in taking away any ones power or smothering programs.

Ms. Manning clarified that the "smothering" comes from results that they've seen from programs who have had to leave states because the rules were so restrictive that their particular program could not exist.

We see states where students have so many rights that effective operation of the program is impossible. There are many states who are coming up with regulations for new programs in there states such as Nevada. We really need to be looking at those in addition to the regulations that we've already seen. There are certain states that appeared to be highly reactive when writing their rules. Consequently, there is a lot of confusion in their regulations. In other states the focus has been on just the programs and what has worked and not worked. This is what makes us unique in that we have this variability. This is the creative work for us.

Carol Brooker commented that she supports the Department providing the basic rule information and that we bring it back here to a board meeting where we have lots of programs here to help us. Having program participation is very important to me. I don't want to reinvent the wheel. We can look at other states and glean the information that we want. This board is the one who is going to actually make the rules. It's just a starting document so we aren't here trying to figure out where we start. This is going to be the board's document when we are done.

Paul Clark commented that a template could be a useful tool despite my earlier objections. Let's be clear, this bill has come out of a really contentious legislative session where these issues have really risen to the surface. And though it's true the language in the bill does not include the words "creativity and innovation" it was a big part of the discussion during the session. I really want to take a position on this. I really want to see the state of Montana have absolutely top notch standards. I hope I'm not being naive in believing that we can have top notch standards and still have incredibly creative, productive, and fruitful programs that do a lot of good work for kids and families. I'm going on the assumption that the two are not mutually exclusive. I would like to allow the Department to give us a template because they do have expertise and we need them to help us with this. I also think it's really important that we develop a relationship where we trust each other and rely on one another's expertise. This board, programs, and the Department are a team. So if our mandate is that we give the Department the option of coming up with a template for us that takes the boiler plate language and the language that is basically universal to most boards and standards that are universal to most of their sources then we can take a look at those. I don't think we need to go to standards yet that the ethics and standards committee are looking at. But, I wouldn't restrict them to that. The ethics and standards committee could still look at issues like staff student ratios or first aid certification. My question to Anne O'Leary is, and I already know how this is going to go is, how far down the line did you intend to go with the template?

Ms. O'Leary commented that she heard that the board is still considering whether it is going to offer the Department the option to do this?

Mr. Clark interrupted by saying that since we have the ethics and standards committee already looking at it if you let us know what other state have done in different areas then they are going to be looking at the same things. I don't know if you want to repeat that. Personally I'm ok with the idea of the Department saying this is what other standards that are found to be prevalent in other states

and allowing the committee to work with that unless the committee prefers to do that itself.

So in this motion let's leave that out and do the overall framework and the overall boiler plate and legal language to at least give us some directions. And, I'd like to add to that that I think this board needs some help prioritizing its tasks. If I was to guess what's most important I would think we need to resolve the registration and the provisional license issue and I'm not 100% sure that's what's most important so I would like some help with that as well.

Motion: Paul Clark moved to have the Department develop a template for the board whereby the board can see what other states and organizations have done and provide some direction for the board in terms of producing the licensing structure and the boiler plate language that is involved as well.

Seconded: Ms. Brooker

Discussion:

Vote: Unanimous

Motion carried

Mr. Clark asked what the time frame with Ms. O'Leary for producing the template will be. He reported that the ethics and standards committee will be meeting by mid May. Mr. Clark had anticipated a meeting a month for the board. He expressed an interest in having some direction as to what the priorities are, provisional license being one of them and whether or not we will have a template. The next full board meeting is not yet scheduled.

Ms. O'Leary said she original had intended on having this on the front burner but now it appears that it is going to be a much slower process. She will have a template by the end of June.

Mr. Clark stated that there are other tasks that the board can work on while it waits for the template such as the provisional license issues.

7. Unprofessional conduct

1. Prior complaints

This is the last agenda item and Ms. O'Leary summarized Title 37, Chapter 1, provisions which this board now falls under.

37.1.105 requires each applicant for licensure to report any pending or legal action.

37.1.302(2) defines a complaint. This board was a board during the registration process hence the complaints received by the Department during HB 628 will need to be reported in the application process and will be processed through the compliance piece. If the allegations are found to be true an application for licensure could be denied.

37.1.308 unprofessional conduct: anyone can file against a licensee or a licensee applicant.

37.1 316 unprofessional conduct: This section lists the violation that can be considered and apply to all boards. In addition most boards have an additional unprofessional conduct section in their rules which are yet more specific.

The Department received 6 complaints under HB 628.

Mr. Clark asked, if a complaint is about a particular practice and that practice has been confirmed the board in rule to be something that a program should not be participate in, if the event of the complaint occurred prior to that practice being declared, how do you justify that complaint holding over before those rules were actually in place. This would seem to be expo facto and on somewhat shaky legal ground.

Ms. O'Leary explained that this board was a board back in 2005, and any complaint is a written allegation filed with the board. Now if the conduct that is the kind of conduct that the board decides that it needs to have in rule likely it will be conduct that doesn't meet the generally accepted standards of practice.

Carol Brooker clarified then that once rules are written for unprofessional conduct a screening and adjudication panel will be appointed to process complaints. Ms. O'Leary offered also that the panel members are board members, three serve on the screening panel and two serve on adjudication.

Gary Spaeth asked what about the six complaints that were received prior to HB769?

Anne O'Leary repeated her above responses.

AGENDA ITEM # 7

Future board meetings

Motion: Paul Clark moved to host the next board meeting on June 21, 2007 at 9:00AM

Seconded: Ms. Brooker

Discussion:

Vote: Unanimous

Motion carried

ADJOURNMENT:

Motion: Paul Clark moved to adjourn the meeting at 3:00PM.

Seconded: Ms. Brooker

Discussion:

Vote: Unanimous

Motion carried

PRIVATE ALTERNATIVE ADOLESCENT RESIDENTIAL OR
OUTDOOR PROGRAMS
STANDARDS & ETHICS COMMITTEE MEETING
Flathead Electric Co-OP
2510 US Highway 2 East, Kalispell, MT &
DEPARTMENT OF LABOR & INDUSTRY 4TH FLOOR CONFERENCE ROOM
301 S. PARK AVENUE, HELENA, MT
June 14, 2007
1:00PM - COMPLETION
MINUTES

This agenda is subject to change up to 3 working days before the committee meeting. For the most accurate agenda, please consult the web site at www.paarp.mt.gov

AMERICANS WITH DISABILITIES ACT:

The Department of Labor and Industry is committed to providing meeting access through reasonable accommodation under the Americans with Disabilities Act. Please contact the Board office prior to the proposed meeting date for further information.

CALL TO ORDER: 1:16:15

Members Present:

Committee members in Kalispell:

Joyce Sterkel
Linda Carpenter
Jacqueline Rutzke
Duff Garrish
Joe Fields

In Helena

Sen. Verdell Jackson

Public Present in Kalispell:

Paul Clark
John Hale
Ron Clem
Ken Makloski

Staff Present:

Cyndi Breen
Don Harris

Marilyn Kelly-Clark
Mike Cooney

Others Present in Helena:
Sami Butler
Sue Weingartner

REVIEW OF AGENDA
REVIEW OF THE MINUTES

PUBLIC COMMENT STATEMENT:

In accordance with 2-3-103(1), MCA, the Committee will hold a public comment period. Please note that Open Forum is the public's opportunity to address the Committee on any topic that is not already on the agenda for this meeting. While the Committee cannot take action on the issues presented, the Committee will listen to comments and may ask the issue be placed on a subsequent agenda. The Chairperson of the Committee will determine the amount of time allotted for public comment.

Chairperson Sterkel opened the meeting for comment at 1:18pm. Teens in Crisis, Ron Clem requested that their group be included on the interested person list. Linda Carpenter receives individual mailing from this office however when mail is sent to her as part of the distribution list she does not receive it. She said her filter is not removing the mail. Staff will check with I.T. staff for help.

AGENDA ITEM #1
Discussion of the 11 Areas of Commonality
What needs to be included in rule?

1. Administration (records maintenance)

- Disclosure of legal status i.e. private, LLC, non-profit, for profit, individual ownership.
- Who governs the program, lines of authority, who is responsible for the program?
- Description of admission and discharge:
What criteria are used to determine admission and discharge? This information should be a clearly written policy and provided during the licensure application process.
- Full disclosure of fees & refunds: It was agreed that all fees and refund policies must be disclosed by the programs.

-Grievance policy, this section is required by statute so should be required.

-Mission statement: Committee members agreed that this is redundant and will be covered under the programs plan of operation. It is required in statute.

-Liability Insurance, this section is required by statute so should be required.

Committee members agree to the above 7 points being a necessary part of rules.

-Financial management: The committee discussed the multi-faceted aspects of this category. It's very broad and members are uncertain of its exact meaning. It is not listed in the statute.

This issue is deferred back to the full board for consideration.

-Minimal training of staff,

The Committee agreed to move this to the personnel category

Senator Jackson commented that he envisions a best practice policy manual or reference document. The document would be used by schools in understanding statutes and rules. Legal Counsel advised however, that because the current statute mandates minimum standards, 'best practices' do not fit into this discussion.

2. Admission and Discharge Procedures: Covered in #1

3. Education: Programs shall follow state & local laws in meeting a child's educational needs.

Joe Fields commented that there may be a need to clarify whether a school is academic or therapeutic.

Linda Carpenter: If this is the case then the statutes needs to be quoted.

Jacqueline: It's important that parents understand exactly what a school offers i.e. accreditation, credit transfer.

Joyce: Students are failing life so these issues need to be addressed before any successful efforts at education can occur.

Paul Clark: The full board will certainly need to address this issue, i.e. teacher's certification, primary academic or therapeutic programs, in house schooling, public schools. This discussion is beyond what is required in statute and likely will be addressed in the plan of operation.

This issue is referred back to the full board for consideration

4. Food:

- There is a nutritionally adequate diet that is in accordance with the needs of the child,
- that all food groups are provided,
- that there are regular meals, and
- there is sanitary handling of food.

Discussion: Who determines what is nutritionally sound for students. Does a nutritionist need to be on staff? Requirements should include regular meals, sanitary conditions, basic food groups,

This category can be addressed by local and state policies.

Wilderness program diets need to be considered differently. Linda Carpenter distributed an outline from Marylis Filipovich regarding outdoor programs and nutrition. That document is attached to these minutes.

Verdell Jackson: Schools should have a policy on food particularly in regard to the availability of water, soda, coffee, or sugar. Consideration also needs to be given to allergy conditions and child obesity.

A policy must be required but does not need to be written into rule.

Don Harris: If a state and local laws exists, the schools are obligated to follow them.

Duff Garish: Menus should be approved by a nutritionist.

Joyce Sterkel: Having access to a nutritionist may not applicable to smaller home based schools.

Mike Cooney: It's important to remember that there is a difference between what may be of interest to parents and what's appropriate to go into administrative rules.

The committee members agree the rule should state: Programs need to provide a nutritionally adequate diet that is in accordance with the needs of the child. All organizations are required to adhere to local, state and federal statutes.

5. Legal

All organizations are required to adhere to local, state and federal statutes.

6. Medical Care:

- There is a written policy on access to medical care as the need dictates.

- There is a written policy on how medications are handled, dispensed, and stored.

Statute determines that it shall be submitted to the board.

Committee members agree that is a necessary part of rules.

7. Participants Rights:

- There is a written policy on participant's rights and responsibilities, and that all applicable laws are followed,
- that students have the same rights and responsibilities under state and federal law as students in public schools,
- students are treated with dignity and respect,
- there is a written grievance procedure,
- there is privacy of information,
- communication with family.

Committee members agree that these are a necessary part of rules.

Verdell Jackson: A child does not have rights until they are off of drugs. A behavior management policy needs to be included. There should be a policy on family communication.

Dr. Garrish: All children have rights.

Joyce Sterkel: There is a different between child rights, privileges, and control.

8. Personnel: This was discussed at length during the last meeting. Personnel files will be kept.

Written personnel policies and procedures.

Criminal background checks.

Mandatory reporting, screening, training, minimum requirements.

Orientation, continuing education.

Lines of authority.

Medical statement or exam.

Application.

Driver's license and driving record if employee will drive program

Participants.

Job Description.

The committee recommends that there be a written policy on continuing education/ specific education, i.e. first aid & CPR, for the programs. The policy needs to include staff that has direct access to students.

9. Physical Environment:

All organizations are required to adhere to local, state and federal statutes.

The -committee recommends that the rules include policy on:
Clean water, proper disposal of garbage.
Facility in good repair.
Fire extinguishers, smoke detectors, emergency procedures, first aid kit.
Health and Sanitation.
Linda Carpenter: What about structures that were built before building codes, can they be grandfathered in?
Don Harris: Building codes determines any exceptions to any current laws regarding current structures.
The committee asked that legal counsel research the prospect of any building code grandfathering clauses and the check list that building codes or DPHHS uses when approving a foster home, for example.

10. Programming and Discipline or Behavior Management

Written behavior management policy,
No corporeal punishment.
No cruel or unusual punishment, withholding food, humiliation or demeaning punishment

The committee recommends that every program have a written policy on discipline and behavior and that it be submitted to the board.

11. Safety

- Safe physical facility, which covers structures but also health and sanitation.
- Written policies which cover disaster, fire, and emergency procedures.
- Fire extinguishers, smoke detectors and evacuation plans.

This category has been covered under other topics.

Program Criteria

- a. Residential Programs
- b. Outdoor Programs: A letter was submitted by Marilys Filipovich and is attached to these minutes.

Chair person Joyce Sterkel opened the meeting for public comment.

Ron Clem: Fees come up for a lot of parents particularly after admission when more issues for a student may come up.

In addition on admission and discharge topics parents only know about 15% of what's really happening with their children. It's disheartening to send a child to a program only to learn that the child has more issues going on and does not meet the admission criteria and must be discharged.

Verdell Jackson: Mr. Jackson emphasized the importance of timely public notice to all. He did ask that the meetings be advertised in newspapers. Staff reported that this meeting was properly noticed and is listed on the PAARP web page. Public attendees at the last committee meeting have asked to be included on the interested persons list and will be added by staff.

Sami Butler; Ms. Butler ask that the public be able to comment at the end of each section.

AGENDA ITEM # 3

Future meetings

The committee will meet on July 31, 2007 in Missoula

ADJOURNMENT: The meeting adjourned at 4:10PM.

THREE RIVERS MONTANA

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June 13, 2007

To: Ethics and Standards Committee

From: Marylis Filipovich
Executive Director
Three Rivers Montana

RE: Regulations for Private Alternative Adolescent Programs – Outdoor

We strongly support regulations that will focus on safety and ethical practice while allowing for program individuality and creativity.

We believe it is important to differentiate between outdoor and “in-building” residential programs in the regulations. Our suggestions for outdoor specific regulations include:

1. Establish a section in the rules entitled “Expedition” or “Outdoor Programming”
2. Student to staff ratio. A safe ratio will vary according to many factors including whether a program is outdoor or in-building, the profile of the students, and the therapeutic and programming approach. A reasonable ratio for outdoor programs is 4 students to 1 staff.
3. Student to staff ratio must be maintained at night; staff may be asleep as long as the student to staff ratio is maintained.
4. Physical Environment:
 - Program shall adhere to low-impact camping principles
 - Health and safety policies must be adequate to meet the requirements of participants living in an outdoor setting for an extended period of time
 - Gear and clothing must provide for participant safety
 - Sleeping areas must be set-up in accordance with program policy to provide for safety and adequate supervision of participants
 - Program policies must provide for safety during extreme weather
5. Hygiene: Good hygiene is important in an outdoor setting but requirements for “traditional” showers, laundry, etc., would interrupt therapeutic outdoor programming
 - The program shall provide methods available in an outdoor setting for students to bathe on a regular basis

- Toileting methods must provide for privacy and be compatible with low-impact camping
6. Food and nutrition
- Adequate diet, approved by a nutritionist, must be available to participants

**MONTANA BOARD OF PRIVATE ALTERNATIVE ADOLESCENT RESIDENTIAL
OR OUTDOOR
FULL BOARD MEETING
301 S. PARK AVENUE, HELENA, MT
4th FLOOR CONFERENCE ROOM
JUNE 21, 2007
9:45AM - COMPLETION
MINUTES**

This agenda is subject to change up to 3 working days before the board meeting.
For the most accurate agenda, please consult the web site at www.paarp.mt.gov

AMERICANS WITH DISABILITIES ACT:

The Department of Labor and Industry is committed to providing meeting access through reasonable accommodation under the Americans with Disabilities Act. Please contact the Board office prior to the proposed meeting date for further information.

CALL TO ORDER:

Chairman Clark called the meeting to order at 9:50am.

Members Present:

Paul Clark board Chair

Mickey Manning

Daniel Bidegaray

Carol Brooker by telephone

Absent:

Mary Alexine

Staff Present:

Cyndi Breen, Program Manager

Marilyn Kelly-Clark, unit Supervisor

Lisa Addington, Bureau Chief

Mike McCabe, temporary Board Counsel

Jack Kane, Bureau Chief,

Mike Cooney, Division Administrator

Others Present in Helena:

S Renee Zeleman – Eskenazi

Mona Jamison

Joyce Sterkel

Jacqueline Rutzke

Roy Kemp

Beth Brenneman

Lori Cowee

Matt Thiel

Sue Weingartner

Lora Cowee
Danise Thorn
Sue Weingartner
Chaffin Pullan
Carl Baisden

Others present on phone:
Danise Thorn
Senator Trudie Schmidt
Marilys Filipovich

REVIEW OF AGENDA:

Review and approve:

Chairman Clark requested that the board chair be granted temporarily to Ms. Manning for this agenda item only. He has issues with the agenda to present. After consideration by board counsel and other board members, the request was granted. Ms. Manning assumed the board chair at 9:53am.

Ms. Manning called for the review and approval of the agenda.

Motion:

Mr. Clark called for a division of the agenda separating agenda items #1, 2 3, 4, 5, & 7 from agenda item # 6.

Discussion:

Senator Trudie Schmidt asked to speak and asked of the board chair when public comment would occur and what the procedure would be for this meeting.

Ms. Manning clarified that in the past Chairman Clark has opened the meeting for public comment at the beginning of the board meeting and often times has asked for public comment when the board has completed a discussion.

Carol Brooker asked Mr. Clark to clarify his request and explain why he was asking for it.

Mr. Clark explained that at any time a board with a question or motion before it could, if the items can easily be divided into sections and can be separated a member can call for a division of the question. The question before the board has to do with the adoption of the agenda. We have an agenda with seven items on it. They are easily divisible and they could be divided individually or they could be divided into sections. It is being requested that the agenda items be divided into sections with all of the agenda items to be discussed initially and then item #6 discussed separately.

Ms. Brooker stated that Mr. Clark was asking to address items #1-5 & #7 first, then address issue #6 separately. Mr. Clark confirmed this.

Ms. Kelly-Clark asked if Mr. Clark was asking for a change in the order of the agenda, a restructuring of the order of the agenda.

Mr. Clark denied this. He explained that the motion is separating the agenda into parts and moving to adopt the first section then deal with agenda # 6 in a separate motion. He stated this is quite common procedures and it's non-debatable.

Mr. McCabe offered clarification on the motion. Mr. Clark is standing on the division of the agenda where he wants to talk about 6 items then after that is voted upon then there is the possibility that Mr. Clark may ask that item #6 be removed from the agenda.

Mr. Clark confirmed that this is a possibility and added that removing an item would go before the full board.

Mr. McCabe went on to explain that this is not a re-ordering. This is a motion specifically to take 6 items and approve them as part of the agenda then take the seventh item which is agenda item #6, and to consider it separately and possibly have a motion to not consider it.

Mr. Clark confirmed that this is accurate.

Mr. Clark asked to provide additional information on the process of the motion and it was granted.

Seconded: None

Vote:

Motion fails.

Mr. Clark resumed the board chair role from Ms. Manning.

Mr. Clark called for approval of the agenda.

Motion: Mr. Bidegaray moved to approve the agenda as presented.

Seconded: Ms. Manning

Discussion: Mr. Clark asked if Rep. Lake had received the template that the board received. He has not. Normally the legislators are contacted once rules are to be noticed.

Mr. Clark quotes from MAPA regarding notification of legislators regarding rules drafted to implement statute.

Mr. McCabe clarified that the template was presented with no intent to say that the language would cover any one of these areas.

Ms. Brooker commented that Rep. Lake should have been notified of all of the committee meetings then, if it's thought that he should have been notified of this meeting and agenda item.

Ms. Jamison imparted that it has been her experience that notification is chiefly a courtesy to the legislators.

Mr. Clark expressed his concern over not being in compliance with MAPA and particularly considering that this board is under more scrutiny than the average board.

Mr. Bidegaray asked if the information could be sent to Rep. Lake now. Staff confirmed that at 10:18am the information had been e-mailed to Rep. Lake.

Mr. Clark further clarified that the board needs to be aware that many items on the current agenda are issues that are being addressed by the ethics and standards committee.

Vote: Mr. Clark abstained, 3 voted in support.

Motion carried

APPROVAL OF MINUTES:

Review and approval of the April 23, 2007 Full Board Meeting

Board staff reported that the last two sections of the minutes are not included and asked that the board delay approving the minutes until the next meeting.

Motion: Mr. Bidegaray moved to delay the approval of the minutes until next board meeting.

Seconded: Ms. Brooker

Discussion: None

Vote: Unanimous

Motion carried

PUBLIC COMMENT STATEMENT:

In accordance with 2-3-103(1), MCA, the Board will hold a public comment period. Please note that Open Forum is the public's opportunity to address the Board on any topic that is not already on the agenda for this meeting. While the Board cannot take action on the issues presented, the Board will listen to comments and may ask the issue be placed on a subsequent agenda for possible action by the Board. The Chairperson of the Board will determine the amount of time allotted for public comment.

Mr. Clark opened the meeting for comment at 10:21AM.

S Renee Zeleman – Eskenazi, a concerned parent from Washington, attended today's meeting and during her presentation used a video camera.

Ms. Zeleman-Eskenazi shared her experience with her son at a school in Montana. She stressed that Montana legislation is insufficient and it will be her mission to ensure that she does everything possible to guarantee that no other parent has to go through what she has experienced. Her contact information is available from board staff at the board office and she would like to help in anyway that she can. Senator Schmidt spoke in support of Ms. Zeleman – Eskenazi and encouraged the board to forge ahead expeditiously with implementing sufficient rules to support legislation.

Mona Jamison asked that the board consider two requests:

1. dissolve the committee and
2. templates from a variety of states be presented to the board and the board view them with Montana eyes and make them their own.

Mr. Clark asked Ms. Sterkel, to respond to the request to have the committee dissolved.

Mr. McCabe called for a point of order and reiterated the purpose of the public comment section.

Ms. Sterkel commented that the participation of parents and concerned others during committee meetings is essential and has been evident during the ethics and standards committee meetings.

Beth Brenneman voiced her support of the Department providing a template for the board to utilize as a starting place for rule writing.

Chaffin Pullan expressed support for the use of a template within the legislative mandate.

AGENDA ITEM #1

Election of Officers

Motion: Carol Brooker nominated Mickey Manning for board chair. Mr. Clark nominated Mary Alexine for board chair.

Seconded:

Discussion:

Vote: 3 votes for Ms. Manning. 1 vote for Ms. Alexine.

Ms. Manning is appointed as board chair.

Motion: Mr. Clark nominated Mary Alexine for board vice-chair.

Seconded: Ms. Brooker

Discussion: None

Vote: Unanimous.

Motion carried: Ms. Alexine is appointed as board vice chair.

Chairman Clark turned the meeting over to Ms. Manning.

Ms. Brooker asked for consideration of the scheduling of the next meeting. She will be leaving today's meeting at 12:00 so asked that consideration be given that allows for all board members to be in attendance at the next meeting. Staff confirmed that every effort will be made to consider all schedules to ensure full attendance.

AGENDA ITEM # 2

Board Legal Counsel Issues

Paul Clark stated that the question with this agenda items is who will be this board's permanent counsel. Mr. McCabe explained that in this interim he will be board counsel. He explained the structure of the pool of attorneys and the distribution of board work at the Department. At present he is uncertain who will be this board's permanent counsel.

Motion: Mr. Clark moved to keep the item on future agendas until it is resolved.

Seconded: Ms. Brooker

Discussion: None

Vote: Unanimous.

Motion carried.

AGENDA ITEM # 3

Board Liability

a. How can state boards be held legally liable if they fully comply with laws made by the state legislature? What are the parameters that distinguish the legislature's responsibility from a board's responsibility when the legislature passes a law that is challenged in court? How would legal action proceed in such a case?

b. Where is this transfer of responsibility from legislature to state board cited in the MCA or in administrative rules?

- c. What case law is available to show that this kind of transfer of responsibility has happened in the past? How did such cases proceed and how were they decided?
- d. In the case of HB 769, if there are legal concerns with provisions in the bill, what are the specific concerns and how can the PAARP board be exposed to legal action if we follow the law as written?
- e. In similar cases with other boards, what legal action has been taken against boards that have complied with laws passed by the legislature? What were the results of such legal action?

Paul Clark summarized that these questions came out of concern over the board completing its work efficiently.

Ms. Manning expressed concern, certainly, over the issues however asked that Mr. McCabe report on them briefly.

Mr. McCabe stated that the question at hand has to do with board members immunity as they act in their official capacity. He reported that board members have immunity as long as they act within their official capacity and within the scope and authority that they have as board members.

There was a document provided to board members last night. That document is questionable as to its compliance with Montana's open meeting law and the necessity to make public any documents that will be considered. The letter was received this morning at 7:00AM. The document can be placed on a future agenda.

The fact that board members have immunity does not preclude litigation. This is important because anyone who is disgruntled with board action can file suit. The question then will become whether or not the board is acting within the scope and authority granted by the legislature. Secondly, in the performance of the duties and functions as board members there is a responsibility to adhere to a certain code of conduct found in the statute and in the Montana board member training manual. This is an extremely significant area of law in this situation because there are board members who are financially interested in, have ownership interests, or are employed by entities that are going to be licensed by this board. So, in the performance of those duties it is important to understand how much scope there is available to question or challenge the conduct of the board. Any further discussion on this issue will occur in executive session with board members.

Mr. Bidegaray asked if there is pending litigation. None is known.

Mr. McCabe expressed protectiveness as a result of sitting in a board meeting where mothers appear to discuss the need for good laws to govern programs or where legal counsel representing another out of state parent is sitting in the meeting.

Mr. Clark asked if the guidance being given applies to all boards.

Mr. McCabe explained the distinction between this board and other boards stating that generally a board has an identified profession that has standards that are related to it or that may have national agencies or entities that apply to it as well. In this situation because of the newness of this program to Montana there is not that background so there is an increased potential for challenge based upon the lack of professional development across the country in terms of standards. That's a concern for him.

Motion: Mr. Clark moved to add the correspondence to a future agenda.

Seconded: Mr. Bidegaray

Discussion: None

Vote: Unanimous.

Motion carried.

AGENDA ITEM #4

Budget

Cyndi Breen presented the fiscal report to date for the Board. 90% of the year has passed; income collected is at 100% (there were no registrations or renewals this fiscal year; all income is carry over from FY 06), current ending cash balance is \$6124.17. Marilyn Kelly-Clark added that there continue to be fiscal problems that are projected to occur in FY '08. She said the board will go into the next year in the black, but there will be additional expenses for the committee meetings that have not hit the fiscal report yet. Mr. Bidegaray asked what additional sources of money there might be. Ms. Kelly-Clark responded that there are no other funds outside of those available through the registration or licensing process. In order to collect these funds, the board has to have their fees set by rule and their application process via rule in place. All boards are self funded and there are no general funds available to boards. She also explained the past discussion the board had with Shane Sierer, DLI Bureau Chief of Central Services who explained the process and ramifications for obtaining a loan to cover expenses through the Department of Administration. Mr. Clark asked for an approximate cost per meeting. Ms. Breen and Ms. Kelly-Clark responded that most board meetings average between \$1000 and \$1500. This estimate was also calculated and used in the fiscal note prepared for HB 769. Ms. Manning stated for the record that she will continue to forgo her per diem in order to assist the board through its present financial crisis.

Motion by Mr. Bidegaray to approve the budget. Seconded by Mr. Clark. Passed by unanimous vote.

AGENDA ITEM # 5

Ethics & Standard Committee Report

Ms. Joyce Sterkel, Committee Chair, presented the report from the Standards & Ethics Committee. Ms. Sterkel provided a written copy of her report to the board. The committee is comprised of Ms. Sterkel, Carol Brooker & Mike Chisholm were unable to attend meetings, so they were replaced with Jackie Rutzke, Senator Verdell Jackson, Mary Alexine, Linda Carpenter, Rep. Robin Hamilton, The committee has thus far met twice in Kalispell, and once in Thompson Falls. All meetings have been well attended by the public. It is not the intention of the committee to duplicate the boards work on rules, rather the committee has been taking initial comments from the public on licensure qualification and program criteria and the eleven areas of commonality from the PAARP Board report to the

legislature in 2006. Ms. Sterkel outlined the areas they will be looking at. They believe they should be able to complete their recommendation to the board no later than fall, 2007. The committee is committed to completing their task expeditiously but they have had difficulty in establishing meeting dates that coincide with availability of staff from the department. They expect to be able to have a written report for the board's consideration of their recommendations. They are determined to have as much public participation as possible.

Mr. Clark asked Ms. Sterkel to describe any differences in public participation during the committee meetings versus the board meetings held in Helena. Ms. Sterkel said that she believes having the meetings in Kalispell and the geographic area where most of the schools are located has been a benefit to parents in being able to attend the meetings and give their comments. She cited Ron Clem, a parent involved in "Teens in Crisis" as an example of a parent and concerned citizen who has given considerable comment at the meetings, he has also authored a book regarding methamphetamine usage and she has found his testimony very valuable. She said that parents are not interested in over regulation, rather they are interested in program content and availability of services. The eleven points of commonality as described in the PAARP report have clearly pulled together all the various templates and rules and regulations from other states and associations. This is a good starting place.

Mr. Bidegaray asked if there have been any rules drafted yet. Ms. Sterkel responded no, they are in the comment taking process. Mr. Bidegaray asked if someone from the committee has access to making a repository of all the rules from the other states that have rules for these programs. Ms. Sterkel responded no, they did not have anyone, but they looked at DPHHS rules from Montana, NATSAP rules, and rules from Utah and Wyoming. Mr. Bidegaray expressed concern over access of what was or wasn't considered in the rule making process for the committee. Ms. Sterkel said the committee has distilled the areas of commonality down to those areas they felt were the most important to look at. Mr. Bidegaray asked for clarification as to where members of the public could mail written materials for use in the process. Ms. Sterkel said the committee utilizes the board's website through DLI. Ms. Sterkel made a statement that she wanted the board to realize that every rule they establish will have a dollar sign attached to it and this will be paid for by the parents as costs passed on to the consumer. She also asked if there are gross violations in the industry that they be brought forward, she would like to know what is going on in the industry. If there are violations of law & standards, she would like to hear what the complaints are and why the board is not privy to the information. Ms. Manning asked that the comments be kept to the committee report; that the questions and comments were getting off topic.

Mr. Bidegaray said the he would like to know about issues that Ms. Eskenazi raised in public comment. Mr. McCabe said that his understanding is that there should be clear delineation between the work the committee is doing and what the board is doing. He is not sure if they are working on rules or ethics and standards. The legislation states that the board should have the rule making authority. He has no problem with public input, but when you start talking about rules, we need to have

a clear record of what's discussed and he is concerned about what the committee is doing. Mr. Bidegaray summarized that he doesn't want to start from scratch; he wants a good summary of what other states have done and wants public comment to consider.

Ms. Sterkel responded that all the committee is doing is discussing the points from the PAARP report presented to the legislative interim committee.

Mr. Clark confirmed that the committee hasn't ever met without legal counsel present, and that all meetings have been held in public with DLI staff present. The PAARP report to the legislature had a section in it that was a result of the work that the committee had been doing in FY 06. He felt the document was a good one and asked the committee to use the report and build on it for examination of issues that are in the template that the board has before it today, such as staff student ratios. These issues are not addressed by statute, but still need to be looked at. He believes the board can operate in tandem with the committee. He asked that Mr. Bidegaray's request for many states to be looked at must be put in the form of a motion as it goes beyond their original assignment.

Ms. Manning stated that her prior concern over discussing complaints during the committee reports was because the committee was not assigned to look at complaints or the complaint process. She asked Ms. Sterkel how many more meetings the committee planned on having. Ms. Sterkel said the next meeting is in Missoula on the 31st of July and she is not sure how many more meetings they may need to have. Ms. Manning asked that the committee move as expeditiously as possible.

Mr. Bidegaray asked if the committee can provide information on what is considered and what wasn't considered and why for the areas they are looking at. Ms. Sterkel said yes, this was possible.

Mr. Bidegaray asked for an explanation for the complaint process and what complaints have come before the board so far. Ms. Breen & Mr. McCabe explained the complaints have not been looked at because the board did not have jurisdiction. Mr. McCabe explained the screening panel process and acknowledged that there are some complaints that have been filed but they cannot be looked at until the board has rules in place to address complaints. Mr. Bidegaray asked if there were not common rules to all boards. Mr. McCabe responded that there are many common rules that are basically cookie cutter in nature and are important to all boards. He explained that boards can notice rules in parts and in this manner can get rules moving rather than waiting for the entire set of rules to be complete; the process of adjusting or changing rules is ongoing, as the needs or practices of the industry may change and thus require the board's review.

Mr. Bidegaray has concerns that there could be complaints that need to be looked at before the rules are in place. He wants to be sure the public understands this and asked if there is not some way for the public to still bring issues of concern forward to the board. Ms. Kelly-Clark explained the screening panel & adjudication

process and the compliance unit. Mr. Bidegaray said that he understood that process but wondered if the board couldn't have information brought to them that might be of a concern but not an actual complaint. Ms. Kelly-Clark said that certainly, the board can put issues on an agenda to discuss, but that names or specifics cannot be mentioned as they might bias a future complaint or breach confidentiality. She said that the public can bring issues to Cyndi, she gets permission from the Board Chair to place the item on the agenda and Board Counsel will also review the agenda to be sure that the subject is generic and doesn't violate anyone's rights.

At this time the Board Chair called for public comment on Agenda Item 5, the report of the Ethics & Standards Committee. Senator Schmidt commented by phone and said she wasn't clear if there are minutes available from the committee meetings and what documents the committee has been looking at. She would like to see both if they are available. She is still not clear what the committee's role is and would like their purpose clarified. She asked if the DLI did not have rules templates for the board to work with as they do with all other boards. Ms. Manning responded that the minutes are or will be available for each of their meetings on the board's website. Ms. Manning said that the committee's main focus is looking at the areas of commonality from the interim committee report. Their purpose was to give input from the stakeholders to the board for consideration in the rule making process. Sen. Schmidt asked if the committee would simply be passing information to the board or are they making recommendations? Mr. McCabe responded that the final responsibility of drafting rules that comply with the legislation is the boards.

Ms. Mona Jamison addressed the board and said that she knows the committee is working hard on their task, but asked the board to look at sections four & nine of the legislation. The charge of the board is to adopt rules and develop specific minimum program criteria that provide for the safety and well being of program participants. The committee seems to be working on fringe issues and left over items from the prior bill from the 2005 session. She is concerned that the board is stuck looking at things from the past and are not looking at the core of the legislation. The past legislation was a study; the current legislation regards making rules to regulate. She is concerned over the passage of time. If a proposed rule is outside the legislative delegation for rule making given by law, it cannot be adopted. She urges the board to implement HB 769. She has not heard one word about specific program standards and pleas with the board to remember that their primary business is noted in sections four & nine of the legislation. She believes the comments made to the committee may be misconstrued by the public as being made to the ultimate authority when in fact that is not the case.

Mr. Bidegaray asked if Ms. Jamison plans on submitting ideas for rules to the board, she said yes, when she feels the board is ready to move on substantive issues. She prefers to have templates in front of her that the board is looking at to begin their work. She does not feel she is an expert in the rule drafting area. She feels the role of the public is to comment and submit substantive information if they have it.

They are not to be counted on to write rules. She said the department has staff to assist with this process and asked that the board use the staff to move forward.

Mr. Clark said he felt the comments were getting off track. Ms. Manning agreed. Mr. Clark said that to be this early in the process and be told the board is dragging its feet is bothersome, the rules are not to be put into effect until October, 2008 and he feels the legislature was wise in using this time frame.

Ms. Beth Brenneman from MAP expressed concerns over the timeline and also expressed confusion over what the ultimate role of the committee is. She would like to see rules in place earlier rather than later.

Ms. Manning expressed that there is a lot of work for both the board and the committee to do and she has no desire to delay the process.

Ms. Renae Eskenazi addressed the board with respect to the documents the committee has considered; she would like to have a look at what the board will consider and offered her help. She can speak first hand on several issues to checks and balances that need to be put in place.

Mr. McCabe explained the rule making process for other boards and the work the department can do to assist. He explained the template he has developed and said that it is for the purposes of promoting discussion. It is an outline for the board to start with. He said the challenge the board has is the responsibility given them to enact rules by the legislature. There are up to thirty five programs providing services in this state that are not licensed and do not have oversight because there are no rules in place.

Chaffin Pullan from Spring Creek Academy asked to address the Board. He stated that the Board has a lot of work and he suggested that if others have templates they want to have reviewed they make them available to the Board with plenty of time for review.

Jacqueline Rutzke from MAAPP asked to address the Board. She questioned that the areas that were specified in legislation might be able to be moved into rule first and allow the Board to continue to work on the standards and criteria.

At this time, Mr. McCabe passed out an email from Vivian Hammill Chief Legal Counsel to the Department sent to Marilyn Kelly-Clark regarding the question that Mr. Clark had posed in the morning regarding whether the department had neglected to duly notify the bill sponsor of the Board beginning work on drafting rules. Ms. Hammill stated that "The private adolescent board needs to do its duty to follow their statutory charge, including the mandates of the 2007 legislature. More specifically, the board should, as swiftly as possible, review the first draft of the rules they have before them today; make any initial comments and mail the draft to the original sponsor. Under SB 71, staff should notify the sponsor as soon as a draft is ready. We are not interpreting the bill to mean notice must be as soon as staff and a board start talking about rules. I am disappointed that the rules are

not ready for public notice at this point. Please instruct the board to expedite their review and not delay any further. Please give the members a copy of this email."

Ms. Manning stated that even if the Board did not have a committee and had met more frequently, and even if they had been able to have some rules drafted, they would not have rules ready to notice. She respectfully accepted the email but supported the board's desire to be deliberate in what she anticipates will be a very complicated process. She also stated she does not want the Board to drag on with the process. She is very committed to making the process be successful.

Ms. Kelly-Clark reported that she had called the sponsor, Rep. Lake in the morning and had emailed him a copy of the template the board was about to look at and had added him to the interested parties list for the Board so that he will be kept informed of the process as it evolves.

Ms. Sterkel questioned why the template the Board had before it was used, where it came from, which states were looked at and who composed it. She wondered why it was being looked at as a standard when there were so many to choose from.

Ms. Manning stated that there was a motion at the last meeting that the board have the department draft a template and that the committee move forward with their work as well. She is quoting another board member who is not present at this time of the meeting. There was no specific direction given to the department other than to draft a beginning template for the Board to review.

Mr. McCabe responded that he had composed the template after reading rules and statutes for twelve states and out of those he picked Utah. He picked it because it covered all of the topics the board had mentioned in the past and that the disparity between other states' rules pushed him to pick one in the middle which is Utah. There are no national standards for these programs as there are for other professions such as physicians or nursing. By picking rules from another state that have already been in effect for the Board to use as an initial guide also assists with defensibility of the Board's rules should they come into question in the future, i.e., other states have similar standards, and the Montana Board did not make their rules up out of "whole cloth".

Mr. Clark stated that the Board did give the Department permission to make the template; however, it was with the direction that the template contains only those areas that the committee was not reviewing. Ms. Manning stated that the motion made by Mr. Clark did state that there were limits to the template and that is what the Department went by.

Mr. Bidegaray asked for a red lined version of Utah's rules. Mr. McCabe does not have a red lined version; he did not have time to do that amount of work. The rules from Utah that are not included were not because they did not apply to Montana. Ms. Sterkel said that there are many good standards from organizations and associations nationwide and she does not understand why the template was limited to one state.

Mr. Chaffin Pullan stated that Utah has two laws; one for residential treatment center laws and in the last two years enacted therapeutic boarding school laws. He asked which were used. Mr. McCabe responded that they came from residential and outdoor programs. He looked at the therapeutic laws, but felt that they fell under the purview of DPHHS in Montana and this Board needs to develop rules that answer the legislation and fall under the Department of Labor & Industry purview.

AGENDA ITEM # 6

Rules Template

Mr. Clark made a motion to divide the template into sections and address them one section at a time. Mr. Bidegaray asked whether the Board was expected to adopt or reject the template at this meeting. Ms. Manning stated that the Board should take the pieces that apply to the legislation as written, work on the wording of it, and get those areas addressed first. Then the Board can deal with the areas that offer more latitude and discretion. Mr. Bidegaray agreed to discuss the sections one at a time, but he is not comfortable with voting on a section until the whole template is reviewed.

Motion by Paul Clark to divide the template into individual sections for discussion one at a time. Seconded by Daniel Bidegaray. Passed unanimously.

Mr. McCabe gave the Board guidance on how to review the template and proceed. Some questions the Board needs to address are not in the template.

Motion by Mr. Clark to request Board Counsel to provide the Board with a sequential list of priority items for the next board agenda that he feels are most important and are required by statute first and foremost. Seconded by Mr. Bidegaray. Passed unanimously.

Mr. McCabe was asked where to start by Mr. Bidegaray, and he suggested the Board start at the beginning of the template, but said that the Board needs to determine what areas are the most important to begin with.

Motion by Mr. Bidegaray to start the discussion with the "purpose" section of the template. Seconded by Ms. Manning. Ms. Manning and Mr. Bidegaray voted in favor, Mr. Clark opposed. Motion carried.

First Item: The Purpose. Unclear the way it's presently written. Proper suggestions were made for clean up. Counsel will make the changes. Ms. Manning stated that the language comes principally from statute and there isn't need for discussion beyond clean up of the draft.

#2 Definitions. Mr. Clark stated definition number 5 of "employee" is in error and was meant to be edited out but passed out of the legislature without proper

amendment. Per Board Counsel, this cannot be changed; it is in statute and will need to be changed in the next legislative session. It cannot be addressed by rule.

Mr. McCabe pointed out that he added the term "registration" (#10) to the listing of definitions and gave the board options to consider for registration and provisional licensing in order to make registration and licensing work together.

Mr. Clark questioned the registration process. Mr. McCabe said that the board can still use the same process for registration, but for every new entity that didn't registered before or has a new program, there has to be a new process for them to follow that applies to the present legislation, not the 2006 legislation.

Mr. Clark welcomed Mr. Cooney, Division Administrator; Roy Kemp, from DPHHS and Ms. Lisa Addington, Bureau Chief to the meeting.

Ms. Manning called for public comment on the "definitions". Ms. Jamison asked what happens to a brand new facility coming on line. Do they need to wait for rules to be adopted to register or can they go through the prior procedure, or do they wait? Mr. McCabe said that it is a difficult question and he feels that they cannot be in business until the rules are in place under which they will be regulated. In a sequential manner, the board needs to give consideration to adopting the rules pertaining to new businesses as quickly as possible. Ms. Manning added that registration will be on the next agenda and will be dealt with quickly. Mr. Pullan stated that he feels the board should adopt registration rules that follow the process from 2006 so that new businesses can move forward with their plans; if they open a new school that doesn't meet Montana standards, they will not meet licensure requirements.

Matt Thiel, Attorney for Spring Creek stated that there is a definition of the term "substantiated" that causes concern. In the new legislation under new subsection three; the board may by rule identify certain criminal offenses that can disqualify a worker from licensure based upon substantiated child abuse. The problem pointed out during the legislative session is that you would want someone to actually be convicted of such an offense before they are disqualified. He has handled a number of these cases. He proposes that the board needs to be clear about what they mean by substantiated. He said DPHHS rules have a much different view of the term. Having a case worker look into a charge that may or may not ever go through a criminal conviction process can be enough to disqualify someone from licensure when in fact there should be a final adjudication that someone has actually committed such an act. You have a number of days to respond to such a charge. If you do not respond the charge stands under DPHHS rules.

Mr. Kemp from DPHHS said that they have dealt with this issue many times and it's extremely subjective. They looked nationwide to find examples. There are times that someone may have made a mistake in their life but they have had one occurrence and haven't had any further issues in over five years. In this type of assistance the individual will not be denied a license. There is some latitude that the department uses to look at these cases. Substantiation is an administrative

decision based on acceptable standards of practice. A conviction is a “done deal” and there is no further substantiation warranted. He will send Cyndi Breen the rules regarding this issue from DPHHS so that the board can review them.

Mr. Pullan from Spring Creek spoke to the comments from Mr. Thiel. He went through such a case and took it all the way to the Supreme Court; it took two years to go through the process. The problem is that he may have been asked to not run his program for two years while waiting for the outcome of his case. He spent many thousands of dollars defending himself.

Ms. Jamison stated that if there is a conviction, the person should be denied licensure. However, she agreed that under the court of law, deference is often given to an agency rule. She does not agree that a charge not litigated to the point of conviction should be able to keep a person from licensure. However, she feels once a conviction occurs, even if the individual decides to appeal, they should not be allowed to work at a program pending the outcome of the appeals process.

Ms. Manning requested that the public discussion come to an end as it was getting off track and it was time to move on. She requested any additional information be brought to the board for a future discussion. Mr. McCabe reminded the Board that there is a statute requiring licensure even for felons unless the department can find adequate reason why they should not be.

Carl Baisden spoke regarding his program now operating in Idaho that had charges of abuse against him. He battled for a year to clear his name. He was not offered a hearing and in fact wasn’t even spoken to. Only the child was spoken to. He then received a letter telling him his facility has three days to close. His school is still in business and he was successful in defending himself.

Beth Brenneman spoke and stated that substantiated child abuse is a “term of art”. She does not believe one can change the definition of this term, it’s in statute. However, the board can make rules that clarify different options that might be available to an applicant. The procedure in the rules should take this into account and treat individuals or offenses with some latitude. She and Mr. Thiel will submit language for the board to consider.

#3 28.181.401 Fee Schedule

Mr. Clark commented that the fee schedule included in the template is the formula that was used in HB 628. If we are going to use the same formula for HB 769 the figures will need to be different because the budget will be different. Ms. Kelly-Clark stated that a fiscal note was prepared for HB 769 and could be used in discussing the fees. The fiscal note did take into consideration the new legislation; it included an accurate number of program, inspections, and background checks. Mr. Clark asked that the Department prepare a report for the board taking into consideration the fiscal note and using the old formula in order for the board to decide if it wants to continue to use the same formula. Ms. Manning asked that the board receive the document well in advance of the board meeting. Ms. Kelly-Clark

stated that the Department attempts to get information to board member 10 days prior to the meeting however with this board it tends to be difficult.

Motion: Mr. Clark moved to have the Department prepare a report for the board taking into consideration the fiscal note and using the old formula in order for the board to decide if it wants to continue to use the same formula and that it be received in a timely fashion.

Seconded: Mr. Bidegaray

Discussion: None

Vote: Unanimous.

Motion carried.

#4 24.181.402 REGISTRATION APPLICATION – PROCESS PLACEHOLDER Deferred to next meeting; there is nothing in the template to review at this time. The Board will consider this topic at a future meeting.

#5 24.181.601 Purpose: (1) Core Rules are required for private alternative adolescent residential or outdoor program.

Mr. Clark asked for clarification of what core rules are. Mr. McCabe explained that this section includes administration, governance; publication of authority; record keeping, and direct service management. Many are covered as part of the registration process, under the information generally referred to as part of the act of the registration process. Ms. Manning stated that in Utah they have core rules and then they have sub categories of rules that apply to specific instances such as outdoor programs. The core rules are those rules that apply to all programs. Mr. Clark commented that this section is under administrative rules and is being reviewed by the ethics and standards committee, he would like to refer it to them.

Motion: Mr. Clark moved to have this section referred to the ethics and standards committee for their evaluation.

Seconded: None

Motion failed.

Discussion: Mr. Bidegaray commented that he is unclear about the motion he is not quite sure what Mr. Clark's point is in taking this piece out in comparison with all the others. He assumed that the Board would look at all items contained in the template. Mr. Clark responded that the committee is already addressing this issue and he felt it would be a waste of time for the Board to consider it and then look at it again in the report to the Board from the committee.

Mr. Bidegaray stated that this is a starting point and he has no problem with the committee looking at them, but he feels they should use the template as a starting point. Mr. Clark responded that he would like to refer it to the committee to save the board time. He feels this is a peripheral issue and the Board should spend it's time on more important pieces such as the compliance issue.

Ms. Manning said that Mr. Bidegaray, not being a member of the industry has a lot of good questions and has a desire to get clarification first hand. She asked the Board to make a decision as to how much of the template could be reviewed during the meeting and at what point the Board should stop and continue at a future meeting. Discussion was had as to time frames for this meeting and it was agreed to work until 4:30.

Motion by Mr. Clark to allow the Standards & Ethics Committee to utilize the template as they see fit under the mandate they were given by the Board.

Public comment was received from Mr. Cooney. Mr. Cooney stated that the template is a working document provided by the department, it is everyone's property, a public document that anyone, anywhere can make comment on. The committee can certainly take the entire document and can recommend additions, deletions and fine tuning. It is not an end point. The committee along with any member of the public or the Board can have input. Once the document is completed and in draft from the Board, it will go out for public comment again. The main concern is to achieve consensus.

Mr. Bidegaray agreed and said he doesn't want to agree to cut out anything at this point. Look at the template, make any comments, and keep moving on.

Mr. Clark withdrew his motion. He asked for motions to be disposed of prior to discussion from the public.

#6 24.181.602 Program Administration.

Areas that the Board agreed to look at in more detail were (1) (f) participation of program participants in activities unrelated to treatment plans; (5) a staff code of conduct (presently Montana does not have such a document); (8) further discussion of the National Interstate Compact Laws; (9) making sure that services provided by programs do not put them in violation of state law regarding substance abuse treatment.

#7 24.181.602 Governance.

(1) Further discussion requested on a program having a governing body and how this will affect small programs. This term could be a board, an advisory panel, or could be someone in charge of day to day operations; (8) discussion of involvement of superintendent of public schools or designee, is this necessary and does it even belong in the rules. These are private schools, not public. (4) Identifying the name of a person for each position, a name may be difficult; perhaps an organizational chart with positions would be better. This would work better to show line of command but positions change personnel.

#8 24.181.604 Publication of Authority, no further comments

#9 24.181.605 Record Keeping

(f) An individual treatment plan may not apply to every program. Some programs have therapists and others do not. Board Counsel stated that even if a program does not have therapeutic services and the parent contracts separately with a therapist off campus, but the school is only required to get the student to the appointment, this is still part of the expectations of the parents of the program. The program would still have an obligation to document that this is a service that will be and is provided. Treatment is one thing, service is another. The service still needs to be documented even though treatment may not be provided.

#10 24.181.606 Direct Service Management

The term "social detoxification" will need further explanation. Is this appropriate and is it needed at all in rules for private programs?

#11 24.181.607 Behavior Management.

ITEM #5 Staff involved in an emergency safety intervention that results in an injury to a resident or staff must meet with the clinical professional to evaluate the circumstances that caused the injury and develop a plan to prevent future injuries.

Mr. Clark asked if this item is referring to a specific individual elsewhere in the rules. Ms. Manning reminded all that this is a medical model approach and commented that this item will be red flagged.

#6 Programs using time out or seclusion methods shall comply with the following:

Mr. Clark commented that his schools use solo experiences which have nothing to do with punishment. Ms. Manning stated that it will be important to define "seclusion" and "timeout". This section will be reworked.

#7 24.181.608. Rights of Program Participants. (1) The program shall have a written policy for program participant rights to include the following:

- (i) the right to communicate by telephone or in writing with family, attorney, physician, clergyman, and counselor or case manager except when contraindicated by the licensed clinical professional,

Ms. Manning questioned that this may not necessarily be under the licensed clinical professional but whoever the program designates. This section will be reworked.

- (m) statement of maximum sanctions and consequences, reviewed and approved by the Board.

Ms. Manning asked what the "board" is on "m".

#8 24.181.609 Personnel Administration (1) The program shall have written personnel policies and procedures to include the following:

(i) a signed copy of the current Code of Conduct.

Ms. Manning commented that the board will need to define "codes of conduct" in section i.

(4) The program shall follow a written staff to program participant ratio, which shall meet specific program participant and program needs. The staff to program participant ratio shall meet or exceed the requirements set forth in the applicable categorical rules.

Mr. Clark stated that this item needs to be further discussed.

(5) The program shall employ or contract with trained or qualified staff to perform the following functions:

Mr. Clark questioned this section particularly as it relates to small programs. Utah has no schools that have less than 75-100 students. These regulations apply to big schools. He asked that this section be flagged for further attention and questions whether this section needs to be included at all.

Ms. Manning stated that the word "trained" signifies to her that administration will provide adequate training to satisfy the position. Mr. Clark further commented that once it is written in rule, i.e. trained, qualified, then the words will need to be defined in rule.

Mr. McCabe reminded all that HIPPA will play a significant role in the training of staff and the operation of a program.

Training doesn't have to be a huge issue but rather can be included in the job description.

Ms. Jamison asked if a provision statement couldn't be written for the smaller programs in that one person may be doing many functions and that this is ok. Chaffin Pullan commented that sometimes it's easy to complicate a simple issue. He stated feeling that this is certainly an area of concern however it seems to be a policy and procedure issue rather than a board issue. It could be simplified by stating that schools are required to comply with all state and federal laws and rules. He commented further that laws are changing all the time and the example he cited had to do with e-mail. Federal law now limits instant messaging at a facility and requires hard copies of all e-mails to be retained.

Jacqueline Rutzke commented that it's important to remember that the purpose of regulation is to protect students and families not programs. Schools are obligated to comply with state and federal regulations.

Ms. Manning suggested that an Association such as MAAPP could provide training or publications on how to comply with state and federal regulations.

#10. The program shall provide interpreters for program participants or refer program participants to appropriate resources as necessary to communicate with program participants whose primary language is not English.

Ms. Manning questions whether these even needs to be include for Montana programs.

Ms. Sterkel commented that the standards and ethics committee has discussed many of these issues. They've concluded that there is a need for a clear delineation of what should be in policy and what should be in law.

Mr. Pullan said that he has student teachers, family members and others who come to his school that will need to comply with many laws and rules. In the public schools, when his wife goes to their children's school to volunteer the same is not true of her. It seems a bit overdone.

Ms. Manning stated that #12 needs to be reworked

(c) Staff shall have current food handler permit as required by local health authority.

This section needs to be rewritten.

#11 24.181.611. Emergency Plans. (1) The program shall have a written plan of action for disaster and casualties to include the following:

This section is approved as is.

#12 24.181.612. Safety. (1) Fire drills in non-outpatient programs, shall be conducted at least quarterly and documented. Notation of inadequate response shall be documented.

(2) The program shall provide access to an operable 24-hour telephone service. Telephone numbers for emergency assistance, i.e., 911 and poison control, shall be posted.

Mr. Pullan asked if this includes radio use in lieu of cell or satellite phones.

It was concluded that flexibility should be included in the final draft of all of the rules.

#13 24.181.613. Transportation. (1) The program shall have written policy and procedures for transporting program participants.

This section is approved.

Board members agreed to stop at 24.181.614. Categorical Rules and resume at the next meeting.

Ms. Manning thanked Mr. Clark for his past service as board chair.

AGENDA ITEM # 7

Future board meetings

Motion: Mr. Bidegaray moved to host the next meeting in Helena on July 13, 2007 beginning at 9:00AM.

Seconded: Mr. Clark

Discussion: None

Vote: Unanimous.

Motion carried.

ADJOURNMENT:

Motion: Mr. Bidegaray moved to adjourn the meeting at 4:24pm.

Seconded: Mr. Clark

Discussion: None

Vote: Unanimous.

Motion carried.

**MONTANA BOARD OF PRIVATE ALTERNATIVE ADOLESCENT
RESIDENTIAL OR OUTDOOR
Full Board Meeting
301 S. PARK AVENUE, HELENA, MT
DLI Basement Conference Room
JULY 13, 2007
9:00AM - COMPLETION
MINUTES**

This agenda is subject to change up to 3 working days before the board meeting.
For the most accurate agenda, please consult the web site at www.paarp.mt.gov

AMERICANS WITH DISABILITIES ACT:

The Department of Labor and Industry is committed to providing meeting access through reasonable accommodation under the Americans with Disabilities Act. Please contact the Board office prior to the proposed meeting date for further information.

CALL TO ORDER: Board chair Manning called the meeting to order at 9:07AM

Members present:

Mickey Manning

Carol Brooker

Paul Clark by phone

Daniel Bidegaray joined the meeting at 9:30AM

Absent:

Mary Alexine

Board Staff

Cyndi Breen, Program Manager

Mike McCabe, Temporary Legal Counsel

Marilyn Kelly-Clark, Unit Supervisor

Lisa Addington, DLI, Bureau Chief

Mike Cooney, DLI Administrator

Others present in Helena:

Web Brown, Montana Chamber of Commerce

Garret Munson, Three Rivers Montana

Troy Heaton, Cornerstone Crossing

Jacqueline Rutzke, MAAPP & Spring Creek Lodge Academy

Roy Kemp, DPHHS

Beth Brenneman, Montana Advocacy

Representative Robert Lake

Garrett Munson, Three Rivers School

Chaffin Pullan, Spring Creek Lodge Academy

Sue Weingartner, Lobbyist, Spring Creek Lodge Academy
Mona Jamison, Attorney

Others on the phone:

Joe Fields, 20 Peaks Ranch
Rep. Pat Ingraham, State Representative
Joyce Sterkel, Ranch for Kids
Marilys Filipovich, Three Rivers Montana
Patrick McKenna, Monarch School

REVIEW OF AGENDA:

Ms. Manning suggested that item # 5, be moved to be new item # 3, to be addressed when the Department speaks about the budget.

Motion: Mr. Clark moved to amend the agenda as presented by Ms. Manning.

Seconded: Ms. Brooker

Discussion: None

Vote: Unanimous.

Motion carried.

APPROVAL OF MINUTES:

Review and approval of the April 23, 2007 Full Board Meeting

Review and approval of the June 21, 2007 Full Board Meeting

Ms. Kelly-Clark announced that meeting minutes will not be as detailed as they have been in the past and that board members and the public shall be receiving board materials 10 days in advance of the meeting. The frequency of meetings and details of the minutes are interfering with timely distribution of the information.

Ms. Manning asked that any items for the agenda to be submitted to the board chair three weeks in advance of the board meeting. The request will be considered by the chair and she will direct the Department in regard to including items on the agenda.

Review and approval of the April 23, 2007 Full Board Meeting.

Motion: Mr. Clark moved to approve the minutes as written.

Seconded: Ms. Brooker

Discussion: None

Vote: Unanimous.

Motion carried.

Review and approval of the June 21, 2007 Full Board Meeting

Paul Clark stated that the motion made on Page 12, 5th paragraph, was actually made by Paul Clark and seconded by Carol Brooker, not made by Ms. Brooker and seconded by Paul Clark.

Motion: Mr. Clark moved to amend the minutes as written above and approve the minutes as amended.

Seconded: Ms. Brooker

Discussion: None
Vote: Unanimous.
Motion carried.

For future meetings the board chair will re-state all motions for the record before the vote is taken.

PUBLIC COMMENT STATEMENT:

In accordance with 2-3-103(1), MCA, the Board will hold a public comment period. Please note that Open Forum is the public's opportunity to address the Board on any topic that is not already on the agenda for this meeting. While the Board cannot take action on the issues presented, the Board will listen to comments and may ask the issue be placed on a subsequent agenda for possible action by the Board. The Chairperson of the Board will determine the amount of time allotted for public comment.

Board chair Manning opened the meeting for public comment.

Marilys Filipovich asked that for the benefit of those joining the meeting by phone it would be helpful if all speakers would first introduce themselves.

Further, for those joining the meeting by phone, it would be helpful to have all of the documents in the board book available to the public in advance of the meeting. Staff reported that the board book could be distributed by e-mail or perhaps made available on line to be viewed in advance of the meeting.

Sue Weingartner asked if the opportunity to make public comment would occur after each agenda item. The board chair reserves the option to limit time and open the meeting for public comment.

AGENDA ITEM #1

Representative Bob Lake – discussion on rules

Representative Lake submitted a written statement which is included with the meeting minutes.

Rep. Lake sponsored HB 769 and attended the meeting to voice concerns as listed below:

- It's important to review many statutes and rules from other states that regulate schools, not just Utah. Rep. Lake requested that he be on record as opposing a template drafted by the Department.

- The board is the ruling body that is attached administratively to the Department. In the Utah template "Montana" is written in implying the Department and it should say "board".

- The intent of the bill is to provide minimal criteria for licensure of schools.

- Rules do not need to be in place until October 2008. Rep. Lake discourages haste and over regulation with stringent rules.

- Rep. Lake has seen a draft fee schedule for this board and perceives that the rates proposed have this board generating an income for the state of Montana.

Discussion in response to Rep. Lake's comments.

Many other state regulations have been reviewed by the Department and board members.

Department staff emphasized that the Department is not interested in writing the rules for the board but rather wants to support moving the process along in order to implement the statute. Further, the board must be self supportive and set fees commensurate to the costs of operating the board.

AGENDA ITEM #2

Guiding principle of current board work

Board timeline for current work

Mickey Manning Draft

The purpose of PAARP board & priorities.

Best developed and monitored by members of the professionals in the industry.

1. Establishing board rule, procedures and citizen participation
2. License – establish all rules regarding
 - a. Application
 - i. Registration for provisional license
 - ii. Establish fees and abatements
 - iii. Full license and revoking/suspend – this cannot be completely accomplished until #4 is complete.
 - iv. Defining application will also help to define program criteria/professional conduct – also doing # 4 will help define criteria
3. Proof of Insurance – establish rules for – part of application (registration or license?)
4. Background Checks – establish rules for - including waivers – part of full license
5. Other minimum criteria for establishing the public health and safety – which will also describe program criteria. (Section 4 in the law.)
6. Inspections
 - a. First one for full license – for everyone
 - b. How to stagger future (every 3 years)
 - c. Exemptions?
 - d. Investigations due to complaint
 - e. Guidelines for conducting the inspections
7. Complaints, notification of, and penalties (to enact when guideline rules are established)
8. Definitions are established as we go along.

Board timeline for current work

Rule writing must be complete and in place by October 2008

Ms. Manning proposed to divide the rules process into two sections

1. Establish the application process and get those rules in the works.
2. All other areas listed above will be address once the application process is in place.
3. The complaint process will be the last piece addressed.

All requirements for licensure i.e. background checks, insurance, inspections must be met before licensure is granted. However, the board may consider a registration/provisional license.

Marilyn Kelly-Clark reviewed the rules process from drafting to adoption:

- There are monthly filing dates for rules,
 - The board drafts the proposal,
 - Board Counsel puts the proposal into the required legal language,
- In house rules contact person, Darcee Moe, helps with this process and she finalizes the draft. She requires 3-6 weeks to complete this step,
- The finalized draft with her changes goes back to the full board for final approval,
 - Upon board approval the rules notice is sent to all potential licensees and interested persons,
 - There is a time period of 28 days in which individuals can submit any written comments to the board about the notice,
 - In the middle of this time period a public hearing is hosted in which all are invited to make public oral comment. The proceedings are overseen by legal counsel and recorded by a court reporter.
 - At the close of the comment period all comments are gathered and responded to by the board and legal counsel.
 - Once the comments are considered the board can make adjustments to the rules proposal or adopt them as written. The rules process is complete at this time.
 - The Department requires an additional 3-4 weeks beyond the final notice date to prepare the administrative processes and the data base.
 - An uneventful rules process requires 6 months to complete.

Is it possible to divide the rule writing process into 2 sections completing the application piece first? Legal counsel says yes.

Chair person Manning opened the meeting for public comment at 10:40AM.

Chaffin Pullman commented in regard to full and provisional licensure. The board would not need to reinvent the wheel as school accrediting bodies already conduct business in this manner.

AGENDA ITEM # 3

Current Budget discussion and
Budget report as it ties to the new licensing fees
Marilyn Kelly-Clark

Current budget

Ms. Kelly-Clark reported that total expenses for May 2007 are \$8105.40.

Total expenses for the year are \$11,090.19

The budget beginning cash balance was \$12,327.00.

Appropriation remaining is \$12,799.60.

The ending cash balance \$3,436.38.

Budget report as it ties to the new licensing fees
Marilyn Kelly-Clark

Ms. Kelly-Clark explained the budget process.

Boards are required to be self supporting.

Appropriation is not cash but rather authority to spend granted by the legislature.

Boards are required by law to meet their appropriation, which is the budget.

Two other accounts are maintained for boards by the Department. The first is an account that maintains operating funds for one month should government function halt and the second is a legal contingency fund. This fund is used in the case where a board is engaged in litigation as a result of a complaint. \$70,000 is maintained in this account and it is available to all boards at the Department.

A board can maintain a negative cash balance, as this board will, contingent on rule writing and implementation of fees. A board may not, however, cross into a new fiscal year with a negative cash balance.

Two budget proposals were presented.

The first report was developed by the Department based on the fiscal note for HB 769 and HB 2 figures. Approved appropriation for FY 2008 is \$62,318.00 and for FY 2009 it is \$79,480. The proposal is called PAARP Fee Justification 7 2007 and is attached to this report.

Proposal highlights:

- Fees are broken down into 4 student number categories.

- Two licensing fees exist– 1 for initial application and the second upon completion of all of the application requirements, i.e. inspection, insurance, background checks.

- There are other revenue categories however this board is so small that it is expected that very little revenue will be drawn from these categories.

- Renewal fees for licensure are calculated according to the four categories.

- Board members need to see the expenses calculated in HB 2 for this board.

Board chair called for a break at 11:20AM

Board chair resumed the meeting at 11:30AM

Marilyn Kelly-Clark

The second proposal was authored by the Department from concepts presented by Paul Clark. That proposal is attached and called Programs and Paul's Formula 7 2007.

Paul Clark:

- Rational was developed in an effort to make the fees more equitable.

- The size of the program should be based on the average daily census formula used in the HB 628 application for registration.

- The first proposal fees are seen as burdensome for the smaller programs and when a school goes from 10 students to 11 students the fee triples.

- The large schools have a greater ability to pay.

- Large schools will be more likely to be absorbing most of the board's resources.
- Another idea may be to make the categories smaller such as 1-5, 6-10, 11-25, 26-50, 51-75, 76-100, 101-150, 151+.

Marilyn Kelly-Clark

-The formula used in the worksheet was developed as follows:

Students per program were divided into the following groupings: 0-10, 11-20, 21-35, 36-50, 51-75, 76-100, 100-150, and 150+.

We calculated a total of 334,975 student days for all of the programs that have registered with the board. The board budget of \$62317.00 in '08 was divided by the total number of student days to equal \$.19 a day X the maximum number of students a program accepts. The board budget of \$79489.00 in '09 was divided by the total number of student days to equal \$.24 a day X the maximum number of students a program accepts. Students per program were divided into the following groups: 0-10; 11-20-21-35; 36-50; 51-75; 76-100; 101-150; and 150+.

-Department staff expressed concern over the inability to build a cash balance using this formula. Cash balance is important for some boards in the event of unexpected expenses or litigation.

-if any program census changes all of the fees for all schools will need to shift.

-The formula asks:

How will you determine census, a single day, number of beds that a facility can fill, etc? How often will you want to change the formula? Each time the fees need to change a rules notice will need to be done.

If this occurs there will be more legal and department staff time which will increase the costs to the board.

-A license is granted for a one year period. If the board looks at a revolving number of student days and a program is technically only licensed for a limited number of days and that will be a problem. If a complaint is received it won't matter if the school was open for business or not, the complaint will be processed. A smaller program has the potential for a law suit in which case all of the other licensees will be absorbing the cost of processing that complaint.

-Fees charged by schools and profit margins will influence programs ability to pay licensing fees.

Three formula options for calculating students could be used:

-average daily census as used to calculate fees in HB 628.

-the numbers use by Marilyn as reported to the Department, &

-use average daily census, and the number of days a school operates according to Paul Clark's proposal.

Board members asked for a draft of how the fee schedule would appear using average daily census and the additional categories to be presented later in today's meeting.

*Staff will provide the information to be heard by the end of the day.

Board chair Manning opened the meeting for public comment at 12:20PM:

Joyce Sterkel

Maryliss Filipovich
Pat Ingerham
Joe Friels
Jacqueline Rutzke
Garret Munson

- All spoke in support of using average daily census, increasing the number of student categories from 4 to 8,
- Fee for service is important,
- It's important for the Department to have an accurate average daily census for every program,
- It is an unjust assumption that large programs have more ability to pay higher fees and will use more of the board's money and resources.

Motion: Ms. Brooker moved that the board use average daily census as defined in the registration application for HB 628 to calculate fees for programs.

Seconded: Mr. Bidegaray

Discussion: None

Vote: Unanimous.

Motion carried.

AGENDA ITEM # 4

Templates of the following for board review of language and other needed decisions.

- Basic Rules and Procedures

- Registration

- Licensing Fees

- E-mail & attachment from Paul Clark

- Complaints

- Professional Conduct MT 37.1.308 – 37.1.318

Basic Rules and Procedures:

Mike McCabe reviewed the general uniform format used at the Department including board organization, procedural rule, citizen participation, definitions, fees, fee abatement rules, application for registration and licensing (to include insurance and background checks), & the complaint process.

Paul Clark asked that legal counsel provide a draft of the following rules for this board to be reviewed and added to the next agenda: board organization, procedural rule, & citizen participation.

Registration:

This topic is separate from full licensure. The registration process is an option for the board where by a program can apply for licensure and qualify for a provisional license. With registration initiated, the Department and the program have time to complete all of the necessary requirements for full licensure, i.e. background checks, inspections. Board members could review the registration application from HB 628 as a template for the provisional license.

Legal counsel suggested that it may be ineffective, difficult and expensive, if the board writes a registration application without knowing what the licensure

application will require, i.e. standards or a basis to deny a license. It is important for the board to know what it is asking for and why. The registration form and the full application for licensure must be tied together in the event that the process is challenged in court.

Legal counsel recommended that the board start with writing the full application first. At that point the board can determine what needs to be in the registration form, and what qualifies a provisional license. The application form really is the program criteria.

Application development for the purpose of defining the timeline for the registration and application processes will be added to the board's next agenda.

Chair person Manning adjourned the meeting for a lunch break at 1:10PM. The meeting reconvened at 1:25PM.

Licensing Fees

E-mail & attachment from Paul Clark: This agenda item is addressed under agenda item # 3.

Complaints: Mike McCabe reported that there are some general rules according to the Department that will need to adopt however the board specific complaint process should be deferred as a last item to be address in the rule writing process.

Professional Conduct MT 37.1.308 – 37.1.318: Mike McCabe reported that boards typically define professional codes of conduct. This is not necessarily different from program criteria. This items needs to be addressed at a later time in the rule writing process.

AGENDA ITEM #5

Outdoor Programs

Using the Rules template, page 16-30, sub-chapter 7.

Ms. Manning opened the meet for public comment at 1:33PM.

Maryliss Filipovich/Garret Munson, Three Rivers, provided a written document of their concepts for rules regarding outdoor programs. The draft is attached to these minutes. The recommendations will be included on the next agenda.

In addition Mr. Garret offered that within the wilderness industry there are written standards that have been established.

Roy Kemp commented that this is the only area that overlaps with DPHHS requirements. A school would require a dual license in the event that the facility takes a student whose funding source is the State of Montana.

In regard to the inspection process Mr. Kemp offered that DPHHS does inspect wilderness programs i.e., the inspector participates in the outdoor experience.

Paul Clark supported the document submitted by Three Rivers.

The document from Three Rivers should be circulated to all programs and the interested persons list and placed on the next agenda.

AGENDA ITEM #6

Ethics & Standard Committee Report

No report was given. Ms. Manning summarized that the committee has been meeting and Ms. Sterkel, Chair of the committee relayed that they are scheduled to meet on July 31, 2007 and they look forward to presenting the final report at the next full board meeting.

AGENDA ITEM # 7

Legal Opinion - Board Liability

Paul Clark summarized saying that board members are not liable for faulty legislation.

AGENDA ITEM # 3 additional information

*The information requested by the board using the additional categories was provided to the board at 2:45PM by Ms Kelly-Clark as follows:

Ms. Kelly-Clark took the top number from each category and added them up and multiplied by the number of programs to equal 945 students. Those students then were divided into the fiscal budget for 2008 and 2009. The cost per student for 2008 is \$66 per student and the cost per student for 2009 is \$84 per student. Then for FY 2008, the \$66 per student is multiplied by the number of students and that number is multiplied the number of programs.

This formula gives an exact cost to pass on to clients but it does not build a cash balance for the board. It needs to be a decision of the board as to the size of the cash balance. Ms. Kelly-Clark offered that the board needs to make a decision as to whether it intends to use average daily census or the actual number of beds available at the facility.

In order to build a cash balance the cost per student per program would need to increase.

Ms. Manning asked Ms. Kelly-Clark to document her formula and distribute the information. In addition other formulas will be entertained and should be forwarded to the Board chair to be included on the next agenda. Ms. Kelly-Clark offered to show the work with and without a cushion.

Mr. McCabe strongly suggested that all board members attend the next meeting in person to reduce the confusion caused with the telephone.

AGENDA ITEM # 8

Next meeting

August 28, 2007 at 9:00AM in Helena.

ADJOURNMENT:

Motion: Mr. Clark moved to adjourn the meeting at 3:30PM

Seconded: Ms. Brooker

Discussion: None

Vote: Unanimous.

Motion carried.

**MONTANA BOARD OF PRIVATE ALTERNATIVE ADOLESCENT
RESIDENTIAL OR OUTDOOR
Full Board Meeting
301 S. PARK AVENUE, HELENA, MT
Department of Labor & Industry,
4th Floor Small Conference Room, #471
August 28, 2007
9:00AM - COMPLETION
APPROVED MINUTES**

AMERICANS WITH DISABILITIES ACT:

The Department of Labor and Industry is committed to providing meeting access through reasonable accommodation under the Americans with Disabilities Act. Please contact the Board office prior to the proposed meeting date for further information.

CALL TO ORDER: Board Chair Manning called the meeting to order at 9:05AM.

Board Members Present:

Mickey Manning
Carol Brooker
Mary Alexine

By Phone

Paul Clark
Daniel Bidegaray

Staff Present:

Cyndi Breen, Program Manager
Mike Mc Cabe, Temporary Legal Counsel
Marilyn Kelly-Clark, Unit Supervisor

Others Present:

Robin Hamilton, HD 92
Marylis Filipovich, Three Rivers Montana
Mike Chisholm, Turning Leaf Academy
Hope Stockwell, MT Public Radio
Cass Rocco, Sanders Co Ed. Service Corporation.
Jennifer Cline, Sanders Co Ed. Service Coordinator.
Andree Deliedisch
John McKay, Social Learning Environment
Beth Brenneman, MT Advocacy Programs
Carl Baisden, Turning Winds Academic Institute
Roy Kemp, DPHHS
Beth Brenneman, Montana Advocacy
Joyce Sterkel, Ranch for Kids

Chaffin Pullan, Spring Creek Lodge Academy
Sue Weingartner, Lobbyist, Spring Creek Lodge Academy

REVIEW OF AGENDA:

Staff announced that two requests were received on August 27, 2007 to join the meeting by phone. In order to accommodate the request a conference call bridge was requested from the capital operator. The operator was able to accommodate the Board except for the time period from 12:45pm-3:15pm. The Board will break for lunch at this time and reconvene at 3:15pm if necessary.

Motion: Ms. Brooker moved to approve the agenda as amended.

Second: Ms. Alexine.

Discussion: None

Vote: Unanimous.

Motion carried.

APPROVAL OF MINUTES:

Review and approval of the July 13, 2007 Full Board Meeting.

Motion: Ms. Brooker moved to approve the minutes as presented.

Seconded: Mr. Clark

Discussion: None

Vote: Unanimous.

Motion carried.

AGENDA ITEM #1

Purpose of the public comment section of an agenda - Mike McCabe.

Board Counsel reviewed the procedures according to 2-3-103 MCA.

PUBLIC COMMENT STATEMENT:

In accordance with 2-3-103(1), MCA, the Board will hold a public comment period. Please note that Open Forum is the public's opportunity to address the Board on any topic that is not already on the agenda for this meeting. While the Board cannot take action on the issues presented, the Board will listen to comments and may ask the issue be placed on a subsequent agenda for possible action by the Board. The Chairperson of the Board will determine the amount of time allotted for public comment.

Ms. Manning opened the meeting for public comment at 9:16 AM.

Ms. Ingham asked what the definition of background checks is and does it include fingerprinting. Mr. McCabe confirmed that a background check does include fingerprinting.

John McKay asked that the Board consider both state and federal background checks and questioned what programs will do with staff while they are in the background check process. He offered, from his experience, that these staff members should be obligated to be "in line of sight supervision" until they have finished the process.

Staff submitted written correspondence from Rep. Lake and Sen. Jackson of which they've asked to be included in the public comment. The comments are attached to these minutes.

AGENDA ITEM #2

Prioritization of Board tasks with attention to time lines and Board purpose.
Ms. Manning summarized the attachment submitted with these minutes.

AGENDA ITEM # 3

Current Budget discussion & Budget report as it ties to the new licensing fees
Marilyn Kelly-Clark

Ms. Kelly-Clark provided the following report:
ending cash balance is \$5,758.25,
projected ending cash balance \$3,436.38, &
ending appropriations balance \$11, 226.67.

Ms. Kelly-Clark reviewed the fee proposals and a written account is attached to these minutes.

Proposals:

- Paul Clark Proposal
- Jacqueline Rutzke Proposal

Fee proposals base on equitable distribution

- #1, Four Category Equitable distribution
- #4, Part A, Eight Categories Equitable Distribution with Zero Balance
- #4, Part B, Eight Categories Equitable Distribution with Cash Balance

Fee proposals base on census

- #2 & 3, Eight Category Student Census Renewal 75%_100%
- #5, Four Categories based on Student Census

Ms. Manning opened the meeting for public comment at 11:00 AM.

John McKay asked for clarification of appropriation and cash which was provided by Ms. Kelly-Clark.

Mr. McKay suggested that the Board and the Department need to calculate fees high rather than actual costs taking into consideration growing costs of the Board. Ideally, following years will allow for reducing costs.

Sue Weingartner offered that average daily census is defined in the old rules under 24.181.301.

Chaffin Pullan commented that his school will pay \$25,000 in licensing fees. Like purchasing a car, the cost for the car is paid no matter how many days of the year the car driven. In addition, Spring Creek serves the highest volume of students in the state of Montana. At present, none of the pending 6 complaints are against his school bringing into question the logic of bigger schools accruing greater dept for the Board. Mr. Chaffin encouraged the Board to move ahead with setting fees because licensure provides a forum for parents to file complaint; it's a process that allows for public participation, and it gives credibility to the industry.

Ms. Manning read the definition for average daily census:

24.181.301 DEFINITIONS For the purpose of this chapter the following definitions apply:

(1) "Average daily census" means the arithmetical average of the number of participants served daily by the program, calculated over a calendar year. This number is calculated by adding the total number of service days, as defined in (2), provided by the program during the last calendar year, and divided by 365 days.

(2) "Number of service days" means any portion of a 24 hour period in which service is provided to one participant, multiplied by the number of actual participants on that day.

(3) "Participant" means any youth or adolescent to whom services are being provided by the program.

The Board requested that Ms. Kelly-Clark calculate a methodology taking out the growth factor entirely from the current fee schedule and calculate fees based strictly on actual numbers. Ms. Kelly-Clark will provide the fee schedule to the Board before today's meeting is over.

Ms. Manning called for a 10 minute break at 11:18AM.

Ms. Manning called the meeting back to order at 11:36AM.

Motion: Mr. Bidegaray moved to adopt fee proposal #5 as presented by Ms. Kelly-Clark.

Second: Mr. Clark

Discussion: Ms. Alexine expressed interest in seeing the new fee proposal that Ms. Kelly-Clark was asked to produce.

Vote: 2 Board members voted in favor of the motion, 3 Board members voted against the motion.

Motion failed.

Agenda item #3 will be revisited upon completion of the fee schedule from Ms. Kelly Clark.

AGENDA ITEM #4

Mike McCabe reviewed the following rules:

Sub-chapters 1-2. Standard Rules Template for Board Procedures, Procedural Rules, Citizen Participation, & Fee abatements.

Motion: Ms. Alexine moved to accept sub chapter 1 and 2 as presented by Mr. McCabe.

Seconded: Carol Brooker

Discussion: Mr. Bidegaray asked for clarification on the numbers of the rules 24.1.101 which was offered by Mr. McCabe.

Vote: Unanimous.

Motion carried.

Sub-chapter 3 & 4 will be addressed at a later meeting.
Application Development/Program Criteria,

Sub-chapter 5 Registration/Provisional Licenses. – Mike McCabe
Board members reviewed the registration application drafted for HB 628.
For programs who have already registered the Department they will simply renew and update that registration to qualify for the provisional license. This will be sufficient to applying for the provisional license.
For new programs the following will be needed:
Detailed description
Program mission statement
Program history

Mike McCabe will put together an application form that has HB 628 old language and new language from HB 769 that needs to be included.

At 12:35 PM Board Chair Manning opened the meeting to public comment.

Mr. Roy Kemp offered that the Board may want to consider a way for programs to update their information in registration and licensing. In addition, the Board may want to consider one additional fee structure which calculates fees based on program bed capacity. He suggested that the Board calculate the total number of beds in the entire state. Divide that number of beds by the budget and that equals the cost that is passed on to programs.

Chair person Manning adjourned the meeting at 12:30PM.
Chair person Manning reconvened the meeting at 3:15PM.

Motion: Ms. Brooker moved to change agenda item #4, to agenda item #5 for logical flow of the agenda content.

Second: Ms. Alexine.

Discussion: None

Vote: Unanimous.

Motion carried.

The Board resumed attention to agenda item #3 and Ms. Kelly-Clark offered 5 more fee proposals, #6-#10.

The documents are attached to these minutes.

The operation plan was also presented to the Board by Ms. Kelly-Clark

The Board requested that Ms. Kelly-Clark calculate a fee proposal based on available beds in each facility as per Roy Kemps public comment. Available beds mean the maximum capacity of beds that a facility can serve.

Staff will survey all schools to gain actual numbers of beds in their facilities and prepare the fee proposal for the next Board meeting.

AGENDA ITEM #6, new item #5

Ethics & Standard Committee Report

Joyce Sterkel, Committee Chair provided the Ethics & Standard Committee report to the full Board. The report is attached to these minutes.

AGENDA ITEM #5, new item # 6

Rules proposal from Marylis Filipovich

Ms. Filipovich offered a rule template based on information from the Ethics & Standards Committee and other resources. The report is attached to these minutes.

Chair person Manning opened the meeting public comment at 3:51PM.

Beth Brenneman commented on the need for suicide screening tools and offered some from the corrections context and one from Intermountain Group Home. In addition she commented on the need to considered definitions for cruel and unusual punishment and demeaning or humiliating treatment.

Ms. Brenneman will provide the above to Department staff for distribution at the next Board meeting.

AGENDA ITEM #7

Outdoor Programs

Marylis Filipovich

This agenda item is included in new item # 6 report.

Motion: Mr. Clark moved to include the reports from Verdell Jackson and Marilys Filipovich on the next agenda for review and use by the Board in writing the application and rules.

Second: Ms. Brooker

Discussion: None

Vote: Unanimous.

Motion carried.

Mr. McCabe distributed a comparison of the registration of HB 628 and HB 769 requirements. Mr. McCabe will produce an application draft that incorporates the past and present registration/application document for the next Board meeting.

AGENDA ITEM # 8

Next meeting

Motion: Ms. Brooker moved to schedule the next board meeting for October 4, 2007 from 9:00AM – completion in Helena.

Second: Ms. Alexine.

Discussion: None

Vote: Unanimous.

Motion carried.

ADJOURNMENT:

Motion: Ms. Brooker moved to adjourn the meeting at 4:19PM.

Second: Ms. Alexine.

Discussion: None

Vote: Unanimous.
Motion carried.

Drafter note:

Technology does not yet allow us to attached sited documents to these minutes. Please make your request for any of the documents directly to the Board office and they will be provided to you.

Please call us at 406-841-2392 or e-mail at cbreen@mt.gov. CJB

**MONTANA BOARD OF PRIVATE ALTERNATIVE ADOLESCENT
RESIDENTIAL OR OUTDOOR PROGRAM
Full Board Meeting
301 S. PARK AVENUE, HELENA, MT
Department of Labor & Industry,
Basement Conference Room
December 6, 2007
9:00AM – Completion
Approved Minutes**

CALL TO ORDER: Ms. Manning called the meeting to order at 9:24 AM.

Members Present:

Mickey Manning
Carol Brooker
Mary Alexine
Paul Clark
Daniel Bidegaray by Phone

Staff Present:

Cyndi Breen, Program Manager
Mike McCabe, Board Counsel
Mike Cooney, Division Administrator
Lisa Johnson, Fiscal Officer

Others Present:

Beth Brenneman, Montana Advocacy
Roy Kemp, DPHHS
Shawn Thorne, Turning D Ranch
Pat Murdo, Legislative Services
Mona Jamison, Legal Counsel/Lobbyist, Jim Dorrian
Ron Clem, Teens in Crisis
Kristy Hartnett, Justice Department
David Blade, Justice Department

By Phone:

Pat Ingraham, HD Representative
Joyce Sterkel, Ranch for Kids
Linda Carpenter, Hope Ranch
Patrick McKenna, Monarch School
Jennifer Cline, SCESC Sanders County
Allyn Cass, Insurance Agent

REVIEW OF AGENDA:

Approval

Staff announced that David Blade & Kristy Harnett will be attending the meeting from 10:15AM – 11:15AM.

Allyn Cass, Western States Insurance will join the meeting from 11:15AM-12PM.

Motion: Ms. Brooker moved to approve the agenda as presented.

Seconded: Ms. Alexine

Discussion: None

Vote: Unanimous.

Motion carried.

APPROVAL OF MINUTES:

Review and approval of the October 4, 2007 Full Board Meeting Minutes.

Motion: Ms. Brooker moved to approve the minutes as presented.

Seconded: Mr. Clark

Discussion: None

Vote: Unanimous.

Motion carried.

AGENDA ITEM #1 9:30

Prioritization of Board tasks - addendum - adding the consideration of flexibility vs. clarity - looking at the pros and cons of both.

Ms. Manning

PUBLIC COMMENT STATEMENT:

In accordance with 2-3-103(1), MCA, the Board will hold a public comment period. Please note that Open Forum is the public's opportunity to address the Board on any topic that is not already on the agenda for this meeting. While the Board cannot take action on the issues presented, the Board will listen to comments and may ask the issue be placed on a subsequent agenda for possible action by the Board. The Chairperson of the Board will determine the amount of time allotted for public comment.

Ms. Manning opened the meeting for public comment.

Ron Clem, Teens in Crisis, encouraged the Board to "get with it" and finish its work. The slow pace at which the work is being done is causing the loss of life and is causing an increase in financial burden to parents and families.

Linda Carpenter, Hope Ranch, and Chair of the Rocky Mountain Chapter of NATSAP encouraged the Board to adopt the proposals of Agenda item # 6 and the recommendations of the Standards & Ethics Committee.

Mr. McCabe clarified that if public comment addresses an item that exists on the agenda it is clearly not public comment.

AGENDA ITEM #2

Current budget report.

DLI Staff

The Fiscal report is attached to these minutes.

Motion: Ms. Brooker moved to approve the budget report as presented.

Seconded: Mr. Clark

Discussion: None

Vote: Unanimous.

Motion carried.

AGENDA ITEM #3

Fee Schedule, Registration/Application Draft Update

Mike McCabe reported on the rules which are pending publication:

1. The three basic DLI rules,
2. The fee schedule, method #5,
3. Licensure application form, questions 14-end.

Lisa Johnson and Mike Cooney answered budgetary questions from the Board members regarding reducing the budget without having to revisit the formula used in calculating fees for schools.

Application Draft Update was presented by Mr. McCabe.

The updated document is attached to these minutes.

Motion: Mr. Clark moved to withdraw the motion to approve the application as presented and reconsider items on the application.

Seconded: Ms. Brooker

Discussion: None

Vote: Unanimous.

Motion carried.

Mr. Clark asked that the Board discuss language on the affidavit page, last page of the application, "I am aware that a false statement or evasive answer to any question may lead to denial of this application or subsequent revocation of licensure on ethical grounds." Mr. Clark is uncomfortable with the word "evasive".

Mr. McCabe explained the history behind the use of this standard language in all licensure applications Bureau wide. He did not see it as detrimental if the word is removed from the application.

Motion: Mr. Clark moved to changing the word "evasive" to "incomplete" in the application.

Seconded: Ms. Brooker

Discussion: None

Vote: Unanimous.

Motion carried.

Motion: Mr. Clark moved to delete 13e on the application.

Seconded: Ms. Brooker

Discussion: Mr. Clark explained that the task would be daunting if programs had to recover every complaint from all children, parents and employees. If it included

language “that resulted in a final order, a judgment or disciplinary action” that would be better but would be duplicating (c). Mr. McCabe explained that the question is standard in all licensure applications but did not see it as detrimental if the language is removed from the application.

Vote: Unanimous.

Motion carried.

Motion: Mr. Clark moved to approve the application as amended.

Seconded: Ms. Brooker

Discussion: None

Vote: Unanimous.

Motion carried.

AGENDA ITEM #4

11:15 AM Board discussion/action on Program Insurance Requirements

Guest Speaker: Allyn Cass, Western States Insurance

Staff Report: Insurance data gathered from Montana Registered Programs.

Ms. Cass presented an overview of services provided and her experience in providing coverage to schools. Staff provided a summary of information gathered in a survey of schools in Montana. That report is attached to these minutes.

Board discussion included:

General liability \$1 million, \$2 million aggregate

Professional liability insurance.

Professional errors and omissions.

Legal staff will research the definitions with the Insurance Commission.

Disclosure statements need to be included in requirements of school.

Motion: Mr. Clark moved to approve the adoption of a rule setting general liability insurance for schools at a minimum \$1 million, per incident and \$2 million aggregate.

Seconded: Ms. Brooker

Discussion: None

Vote: Unanimous.

Motion carried.

AGENDA ITEM # 5

10:15AM Board discussion/action on background checks & finger printing.

Guest Speaker: David Blade & Kristy Hartnett, Department of Justice.

Fees for law enforcement to do a finger printing is approximately \$5.

Fees to have the prints run range from \$25-\$29.

The Justice Department requests an ORI number for the state agency. This unique number authorizes the agency to use the system to access the information requested in a background check.

The Department of Justice will provide training to groups of no less than 10 people outside of Helena on the correct way to take fingerprints. Those trained individuals can then take the fingerprints required and submit them to the Justice Department

as opposed to having employees complete the fingerprint cards at a law enforcement agency and pay their fee.

Completed fingerprint cards are sent to the Justice Department.

W.I.N., Western Identification Network, is the network of states in our region who are typically checked in the process.

A list of legal issues was distributed by David and Kristy.

Roy Kemp, DPHHS, commented that background checks are required for facility employees that are regulated by DPHHS. DPHHS is a designated agency and they are also connected to C.J.I.N., Criminal Justice Information Network. Information from a background check cannot be disseminated to just anyone. The information must go to a designated agency.

Mr. Kemp provided a list of disqualifiers that DPHHS uses in screening individuals employed with regulated facilities. He also has a state by state comparison of the rankings of disqualifiers that he will make available to the Department and Board Members.

This Board needs to determine what the disqualifiers will be for individuals working in schools.

The criminal reports will not go to individuals or to the schools. The records will come to the Department of Labor who will serve as the designated agency.

Name-based background checks will just give Montana information.

Finger-based background checks will give much more information

Requesting a Criminal History Background Check is the most thorough report available.

Ms Manning opened the meeting for public comment

Patrick McKenna uses a source called ADP. Mr. Blade explained that ADP does a name based background check and is not a reliable source to accomplish the current law.

Staff will distribute the information from Roy Kemp's office on fingerprinting and background checks and provide language for rules for implementation.

Motion: Ms. Brooker moved to adjourn for lunch from 12:05-1:00PM.

Seconded: Ms Alexine

Discussion: None

Vote: Unanimous.

Motion carried.

Ms. Manning reconvened the meeting at 1:06pm.

AGENDA ITEM # 6

Board discussion/action

Regulations crafted from the Standard and Ethics Committee, Marylis Filipovich, Sen. Jackson, and Beth Brenneman.

Motion: Mr. Clark moved to adopt the Jackson template as a base line template and open it up for amendments based on the Filipovich and Brenneman documents.

Seconded: Ms. Alexine
Discussion: None
Vote: Unanimous.
Motion carried.

Beth Brenneman comments based on the August 2007 Verdell Jackson document:
October 4, 2007 & September 28, 2007
Attached to these minutes.

Ms. Brenneman commented on the following areas:

- Program policies and Board review of them,
- Definition of "substantiated",
- Inspections,
- Rights and responsibilities of participants,
- Personnel administration,
- Treatment planning/suicide screening & prevention,
- Incident crisis intervention emergency plan,
- First aid kit requirements,
- Behavioral management policies
 - seclusion
 - staff training on restraints
 - physical/mechanical restraints

Paul Clark asked Ms. Brenneman and all other interested persons to submit amendments to the template to the Board Office by January 10, 2008 for inclusion at the next board meeting.
Staff will distribute the information to the interested persons list.

AGENDA ITEM #7

Next meeting

Motion: Mr. Clark moved to have the next meeting on January 23, 2008 at 9:00AM in Helena.

Seconded: Ms. Brooker
Discussion: None
Vote: Unanimous.
Motion carried.

ADJOURNMENT:

Motion: Ms. Brooker moved to adjourn the meeting at 2:50PM.

Seconded: Ms. Alexine
Discussion: None
Vote: Unanimous.
Motion carried.

**MONTANA BOARD OF PRIVATE ALTERNATIVE ADOLESCENT
RESIDENTIAL OR OUTDOOR PROGRAM**

Full Board Meeting

Department of Labor & Industry

301 S. Park Avenue, Helena, MT

Conference Call

July 15, 2008 rescheduled for July 23, 2008

1:00PM – 5:00PM

DRAFT MINUTES

AMERICANS WITH DISABILITIES ACT:

The Department of Labor and Industry is committed to providing meeting access through reasonable accommodation under the Americans with Disabilities Act. Please contact the Board office prior to the proposed meeting date for further information.

CALL TO ORDER:

Chair person Mickey Manning called the meeting to order at 1:10PM

Members Present:

Mickey Manning

Mary Alexine

Carol Brooker

Paul Clark joined the meeting at 1:15pm

Staff Present:

Mike McCabe

Cyndi Breen

Marilyn Kelly-Clark

Others Present:

Chaffin Pullan

Rick Johnson

Marilys Filipovich

Beth Brenneman

Roy Kemp

REVIEW OF AGENDA:

Approval

Motion: Ms. Alexine moved to approve the agenda as written.

Second: Ms. Brooker

Discussion: None.

Vote: Unanimous.

Motion carried.

APPROVAL OF MINUTES:

June 24, 2008 Full Board Meeting.

Motion: Ms. Brooker moved to approve the minutes as written.
Second: Ms. Alexine
Discussion: None.
Vote: Unanimous.
Motion carried.

PUBLIC COMMENT STATEMENT:

In accordance with 2-3-103(1), MCA, the Board will hold a public comment period. Please note that Open Forum is the public's opportunity to address the Board on any topic that is not already on the agenda for this meeting. While the Board cannot take action on the issues presented, the Board will listen to comments and may ask the issue be placed on a subsequent agenda for possible action by the Board. The Chairperson of the Board will determine the amount of time allotted for public comment.
No comments were heard at this time.

AGENDA ITEM #1

Prioritization of Board tasks with consideration of flexibility vs. clarity - looking at the pros and cons of both.

AGENDA ITEM #2

Current budget report.

Revenue received by June 30, 2008: \$23, 600.

Since June 30th an additional \$55,480 has been received for a total of \$79,080.

The projected income for 2008 was \$89,000. Expenses as of this meeting date total \$38,955. Added expenses will be posted through July; final numbers should be available at the end of July.

Ms. Kelly-Clark expects that the Board may have a cash problem for fiscal year 2009 of approximately \$21,280. A number of schools have not applied for licensure. Staff will provide the complete list of the schools including programs that have applied for licensure and those who have not to Board members.

AGENDA ITEM #3

Application report.

Staff reported that the following application categories have been received:

3 @ the 0-10 category/\$750. The budget projection was 8.

10 @ the 11-50 category/\$3,800. The budget projection was 11

4 @ the 51-100 category/\$7600. The budget projection was 4

1 @ the 101+ category/\$11,400. The budget projection was 1.

Board Members asked that the deficit be identified between revenue and the current budget.

AGENDA ITEM #4

Core standards document review, continuation with incomplete sections.

WATER, FOOD AND NUTRITION

The program must make available safe drinking water and an adequate diet for participants corresponding to the dietary needs for the level of activity of student participants

Motion: Mr. Clark moved to change this language to read: "The program must take reasonable steps to provide safe drinking water".

Second: Ms. Brooker

Discussion: None.

Vote: Unanimous.

Motion carried.

PROGRAM PARTICIPANT ADMISSION REQUIREMENTS

Outdoor programs must have admissions policies and procedures which include the age range of program participants, requiring the participant have a physical examination by a licensed medical provider and current health history which includes notation of limitations and prescription medications.

Behavioral Management:

5. The program shall prohibit the following:
 - a. excessive physical labor with no purpose other than for punishment;
 - i. the intentional or malicious infliction of physical or mental suffering including pain;
 - j. the use of pain to force compliance.

Motion: Mr. Clark moved that he be allowed to work with Roy Kemp, DPHHS, to explore language for this section and get back to the Board with acceptable options.

Second: Ms. Brooker

Discussion: None.

Vote: Unanimous.

Motion carried.

Subchapter 4: Licensing

24. . APPLICATION PROCEDURE

(1) An application for program registration, a license, or renewal, must be made on a form provided by the department and completed and signed by the applicant.

(2) The application must be typed or written in ink, signed and accompanied by the appropriate fee(s) and contain sufficient evidence of the individual's, entity's or program's qualifications under relevant law.

(3) The department may require an applicant to submit original or certified documents in support of any application. The department may permit such documents to be withdrawn upon substitution of a true and correct copy of same.

(4) Fully-completed applications will be reviewed for compliance with relevant law. The department may request such additional information or clarification of information provided in the application as it deems reasonably necessary to complete a review of the application.

(5) Incomplete applications shall be returned to the applicant with a statement regarding incomplete portions. The applicant shall correct any deficiencies and resubmit the application. Failure to resubmit the application within 60 days shall be treated as a voluntary withdrawal of the application. After voluntary withdrawal an applicant will be required to submit an entirely new application, with a new application fee, to begin the process again.

(6) The department shall notify the applicant in writing of the results of the evaluation of the application. In the case of a denial, the department shall specify the deficiencies in the application.

Motion: Mr. Clark moved to accept Subchapter 4: Licensing, Application Procedure, as presented.

Second: Ms. Brooker

Discussion: None.

Vote: Unanimous.

Motion carried.

Subchapter 4: Licensing, Renewals

(1) Each entity or person who receives a license or endorsement from the department in accordance with these rules shall submit an application for renewal.

(2) The application for renewal must follow procedures and be on a form provided by the department.

(3) All fire protection equipment licenses and endorsements must be renewed on or before the date set by ARM 24.101.413. A renewal notice will be sent as specified in ARM 24.101.414.

4) Upon receipt of the application, the department shall grant a renewal of the license or endorsement if the applicant meets all of the requirements under the provisions of Title 37, chapter 48, part 1, MCA, and these rules; has committed no act which would constitute grounds for suspension or revocation under Section 37-1-308, MCA, and remains properly equipped and staffed to conduct the program as intended to be performed.

(5) Applications for renewal must be accompanied by the fee(s) specified under ARM 24.144.411.

(5) Applications for renewal must be accompanied by the fee(s) specified under ARM 24.144.411.

(6) The provisions of ARM 24.101.408 apply.

24.181.401 REGISTRATION FEE SCHEDULE (1) All programs must register prior to being licensed.

(2) The registration fee covers the year or portion of the year [July 1 of one year and June 30th of the next year], in which the program is registered.

(3) Registration fees are calculated according to the program's average daily census:

(a) 0-10 participants \$750

(b) 11-50 participants \$3,800

(c) 51-100 participants \$7,600

(d) 101 and more participants \$11,000

(3) All existing programs must be registered within 30 days of the adoption of these rules.

(4) Additional standardized fees are specified in ARM 24.101.403.

(5) All fees provided for in this rule are nonrefundable and are not prorated for portions of the registration period.

Motion: Mr. Clark moved to accept Subchapter 4: Licensing, Renewals and Fees, as presented.

Second: Ms. Brooker

Discussion: None.

Vote: Unanimous.

Motion carried.

AGENDA ITEM #5

Advertising and Disclosure.

Marketing practices, full disclosure of the marketing practices to the parents.

Representation of facts truthfully to families and students, and fully disclose all costs and fees for services including those involved in placement.

Ms. Manning will draft her ideas about advertising and disclosure and forward them to Mr. McCabe. Mr. McCabe will incorporate those ideas into the rule format and present at the next meeting.

AGENDA ITEM #6

Staff to youth ratio. Mr. McCabe presented the following language:

5. The program shall have policies which establish direct care staff to youth ratios which meet program participant needs for health and safety. The maximum youth to direct care staff ratio will not exceed 20 youths to 1 direct care staff.
6. A minimum of two direct care staff will be on duty at all times, except nighttime sleeping hours when staff may be reduced.
7. A mixed gender population shall have at least one male and one female staff on duty at all times.

Motion: Ms. Alexine moved to approve #5 as written, and delete #6 and #7.

Second: Ms. Brooker

Discussion: None.
Vote: Unanimous.
Motion carried.

AGENDA ITEM #7

Occupancy rating – how to describe the best use of each room/building.
According to Mr. McCabe changes to the use of a building should require a new inspection.

AGENDA ITEM #8

Fire code ratings.

Physical Environment:

A program shall comply with all applicable federal and state regulations, laws, and codes.

a. Specific attention is directed to programs complying with Montana building and fire codes. The program is responsible for having the necessary documentation of annual compliance with these codes and/or inspection requirements.

b. In the event that any building or fire code violations are found during a building code or fire code inspection of the program's premises and structures intended for use by the program's enrolled youth, the program shall:

(1) Within 5 calendar days of the date the inspection is completed and the program is provided with a report indicating a violation, the program shall deliver a copy of the report to the PAARP Board's administrative office.

(2) Within 5 calendar days of the date the program has remedied the noted violation and has been re-inspected and received a satisfactory inspection report, the program shall deliver a copy of the report to the PAARP Board's administrative office.

(3) Failure to comply with this provision is a basis for the program being subjected to disciplinary action.

Motion: Mr. Clark moved to approve keeping the first line of this section in the core rules and move the remaining sections to the residential program section with a new heading of building and fire codes.

Second: Ms. Brooker

Discussion: None.

Vote: Unanimous.

Motion carried.

AGENDA ITEM #9

-Background check discussion/action - red light - green light and formulation of rules regarding checks - also instructions - how to handle information such as DMV info not included.

Required Personnel Screening:

1. **Background Check:** The program shall submit a list of all program personnel for whom a background check has been completed. At a minimum they must be completed for:
 - a. the program manager and
 - b. each member of the "Direct Care Staff" or program personnel who directly participate in the care, supervision and guidance of youth in a program.
2. The background investigation shall, at a minimum, consist of a set of fingerprints as required for a fingerprint check by the Montana Department of Justice and the Federal Bureau of Investigation.

Motion: Ms. Alexine moved to delete b. as it is redundant.

Second: Mr. Clark

Discussion: None.

Vote: Unanimous.

Motion carried.

3. **DPHHS Disqualifiers**

Motion: Mr. Clark moved to adopt the Revised M. Manning DPHHS Disqualifier draft to be placed on the next agenda for further amendments.

Second: Ms. Alexine

Discussion: None.

Vote: Unanimous.

Motion carried.

AGENDA ITEM # 10

Drug testing of employees. Mickey Manning

Tabled until a later meeting.

AGENDA ITEM # 11

Complaint language for new rules to include the denial of action on anonymous complaints.

Complaints: NEW FOR CONSIDERATION

24.____._____ COMPLAINT PROCEDURE

(1) A person, government or private entity may submit a written complaint to the board charging a licensee or license applicant with a violation of board statute or rules, and specifying the grounds for the complaint.

(2) Complaints must be in writing, and shall be filed on the proper complaint form prescribed by the board.

(3) If the complaint is made by the parent(s) or legal guardian of a youth who is/was enrolled in an alternative adolescent youth program under the jurisdiction of

this board, the parent(s) or legal guardian shall sign that portion of the complaint form that is a release of the youth's program records, including medical records.

(4) The board will not accept anonymous complaints

(5) Upon receipt of the written complaint form, the board office shall log in the complaint and assign it a complaint number. The complaint shall then be sent to the licensee complained about for a written response. Upon receipt of the licensee's written response, both complaint and response shall be considered by the screening panel of the board for appropriate action including dismissal, investigation or a finding of reasonable cause of violation of a statute or rule. The board office shall notify both complainant and licensee of the determination made by the screening panel.

(6) If a reasonable cause violation determination is made by the screening panel, the Montana Administrative Procedure Act shall be followed for all disciplinary proceedings undertaken.

[ALTERNATIVE TO (4) ABOVE] (7) The screening panel shall review anonymous complaints to determine whether appropriate investigative or disciplinary action may be pursued, or whether the matter may be dismissed for lack of sufficient information.

24. SCREENING PANEL:

(1) The screening panel shall consist of three board members, two program representatives and one public member.

(2) The presiding chair of the board shall appoint or replace screening panel members as necessary.

(3) The screening panel shall not consider anonymous complaints

Motion: Ms. Alexine moved to adopt the complaint procedure and the screening panel sections excluding the acceptance of anonymous complaints and include a non-retaliation clause.

Second: Mr. Clark

Discussion: None.

Vote: Unanimous.

Motion carried.

24. Unprofessional Conduct:

QUESTION FOR BOARD MEMBERS – IN ADDITION TO THE OFFENSES LISTED IN 37-1-31, MCA, WHAT OTHER OFFENSES DO YOU CONSIDER NEEDING TO BE TREATED AS A BASIS FOR DISCIPLINARY ACTION AGAINST THE PROGRAM / OR[PROGRAM'S LICENSE?

5876
House & Education & Labor

Section 37-1-316 reads: **Unprofessional conduct.** The following is unprofessional conduct for a licensee or license applicant governed by this chapter:

(1) conviction, including conviction following a plea of nolo contendere, of a crime relating to or committed during the course of the person's practice or involving violence, use or sale of drugs, fraud, deceit, or theft, whether or not an appeal is pending;

(2) permitting, aiding, abetting, or conspiring with a person to violate or circumvent a law relating to licensure or certification;

(3) fraud, misrepresentation, deception, or concealment of a material fact in applying for or assisting in securing a license or license renewal or in taking an examination required for licensure;

(4) signing or issuing, in the licensee's professional capacity, a document or statement that the licensee knows or reasonably ought to know contains a false or misleading statement;

(5) a misleading, deceptive, false, or fraudulent advertisement or other representation in the conduct of the profession or occupation;

(6) offering, giving, or promising anything of value or benefit to a federal, state, or local government employee or official for the purpose of influencing the employee or official to circumvent a federal, state, or local law, rule, or ordinance governing the licensee's profession or occupation;

(7) denial, suspension, revocation, probation, fine, or other license restriction or discipline against a licensee by a state, province, territory, or Indian tribal government or the federal government if the action is not on appeal, under judicial review, or has been satisfied.

(8) failure to comply with a term, condition, or limitation of a license by final order of a board;

(9) revealing confidential information obtained as the result of a professional relationship without the prior consent of the recipient of services, except as authorized or required by law;

(10) addiction to or dependency on a habit-forming drug or controlled substance as defined in Title 50, chapter 32, as a result of illegal use of the drug or controlled substance;

(11) use of a habit-forming drug or controlled substance as defined in Title 50, chapter 32, to the extent that the use impairs the user physically or mentally;

(12) having a physical or mental disability that renders the licensee or license applicant unable to practice the profession or occupation with reasonable skill and safety;

(13) engaging in conduct in the course of one's practice while suffering from a contagious or infectious disease involving serious risk to public health or without taking adequate precautions, including but not limited to informed consent, protective gear, or cessation of practice;

(14) misappropriating property or funds from a client or workplace or failing to comply with a board rule regarding the accounting and distribution of a client's property or funds;

(15) interference with an investigation or disciplinary proceeding by willful misrepresentation of facts, by the use of threats or harassment against or inducement to a client or witness to prevent them from providing evidence in a disciplinary proceeding

or other legal action, or by use of threats or harassment against or inducement to a person to prevent or attempt to prevent a disciplinary proceeding or other legal action from being filed, prosecuted, or completed;

(16) assisting in the unlicensed practice of a profession or occupation or allowing another person or organization to practice or offer to practice by use of the licensee's license;

(17) failing to report the institution of or final action on a malpractice action, including a final decision on appeal, against the licensee or of an action against the licensee by a:

(a) peer review committee;

(b) professional association; or

(c) local, state, federal, territorial, provincial, or Indian tribal government;

(18) conduct that does not meet the generally accepted standards of practice. A certified copy of a malpractice judgment against the licensee or license applicant or of a tort judgment in an action involving an act or omission occurring during the scope and course of the practice is conclusive evidence of but is not needed to prove conduct that does not meet generally accepted standards.

Motion: Mr. Clark moved to table the unprofessional conduct section to be reconstructed by Mr. McCabe for a later meeting.

Second: Ms. Alexine

Discussion: None.

Vote: Unanimous.

Motion carried.

AGENDA ITEM # 12

Web page advertisement on chemical dependency treatment services.

Roy Kemp & Mike McCabe

Mr. Kemp discussed the requirements for licensure of chemical dependency treatment facilities based on a certificate of need. His concern is that Programs will inadvertently establish themselves as a treatment center therefore requiring a license from DPHHS.

Mr. McCabe supplied rule language for PAARP programs to use as a guide:

Chemical Dependency Treatment: Any program that has as a part of its marketing, advertising, information packet or other similar document, reference to providing *Chemical Dependency Treatment must ensure that such treatment program is provided by an public or private treatment chemical treatment facility approved by the Montana Department of Health and Human Services under *Title 50, Chapter 3, of the Montana Codes Annotated (MCA).

Motion: Ms. Alexine moved to add, after providing, "primary, inpatient chemical dependency treatment" and to add this section to the rules.

Second: Ms. Brooker

Discussion: None.

Vote: Unanimous.

Motion carried.

AGENDA ITEM #13

Site Visits/Inspections criteria.
Tabled

AGENDA ITEM #14

Board member appointments.
Tabled

AGENDA ITEM #15

Next meeting. August 26, 2008 at 9:00am in Helena.

ADJOURNMENT:

Motion: Ms. Alexine moved to adjourn the meeting at 4:55pm.
Second: Mr. Clark
Discussion: None.
Vote: Unanimous.
Motion carried.

Program Inspection Reports

Program Inspection Reports 2010

Report of Inspection

at the request of

The Private Alternative Adolescent Residential Program

Program: Building Bridges
100 Graves Creek Rd
Thompson Falls MT

Supervising Attorney: Colleen White

Inspector: Amber Carpenter
William W. Wood

Date of Inspection: May 12, 2010

Date of Report: May 24, 2010

Site Inspection:

1.

Y

N

☒☐

Plan of operation as described in application fits with the appearance of the operation as laid out during walk through.

Comments:

Due to time constraints of this process the Inspectors did not receive a copy of the program plan of operation prior to the inspection. Therefore, the following is a narrative of the basic operation as explained to the Inspectors at the time of the inspection.

Building Bridges is an alternative residential program for boys ranging in age from 14 to 18 years old. The boys are at Building Bridges for various reasons from poor attendance in school, drug use, and heavy gambling. The program attempts to integrate the students back into the public school system where they will have normal interactions and peer pressure with the tools to deal with those issues. Currently 10 students are in the public school and 8 are completing a home school program through Brigham Young.

2.

☒☐

The number of program participants is consistent with information submitted with application and provided by Administrator.

Comments:

18 students are in residence at this time.

3.

☐☒

Premise does not contain an area that could be used for corporal punishment, isolation or the ability to inflict physical pain as a disciplinary measure.

Comments:

No area was viewed. This information was confirmed through staff and participant interviews.

4.

☒☒

Buildings are equipped with fire extinguishers, emergency exits plans and smoke detectors that are placed conspicuously.

Comments:

Fire extinguishers and smoke detectors were present in both houses. No emergency exit plan was posted.

5. ☒ ☒ Any noted deficiencies in most recent Deputy State Fire Marshalls report have been addressed.
- Comments: The Inspectors were told that the Deputy State Fire Marshall had inspected the building and no discrepancies were noted, however the letter was not readily available to be presented to the Inspectors. Quarterly fire drills occur, and a emergency exit fire pole was observed from the second story bedroom.
6. ☒ ☐ Program facilities are free from any major notable safety hazards or defects.
- Comments: No major hazards noted.
7. ☒ ☐ If program is required to have periodic water quality testing and septic maintenance, verify these inspections are current.
- Comments: Water inspection ok. Septic system pumped annually.
8. ☒ ☐ Facility contains an adequately supplied first aid kit which is maintained and in good working order.
- Comments: First aid kit in staff office.
9. ☒ ☐ Area medications are stored is a controlled area with limited access.
- Comments: Medications are kept in locked staff room. Access to this room is limited to certain staff.
10. ☒ ☐ Food preparation and serving areas are adequate to ensure nutritional needs of participants are met.
- Comments: All areas appeared adequate. Boys make own lunch and breakfast.
11. ☒ ☐ Food preparation areas are operated in a clean and safe manner with all equipment, storage and serving tools in good working order.

Comments: Equipment and tools seemed in good working order, with the exception of the stove at one house which had a broken bottom drawer and appeared run down.

12. ☒ ☐ Vehicles used to transport participants and staff has emergency information contained in the vehicle. (Name, address, telephone of program and emergency phone numbers)

Comments: Emergency information was all contained in the vehicles. The vehicles used for transport of children include passenger vehicles.

13. ☒ ☐ Verified if any newly constructed buildings or remodeling has been done with the last 18-24 months. If so, determine if building, plumbing and electrical permits were received and proper inspections done upon completion of project.

Comments: Building originally built as private residences, no building inspection was completed with the change of use. The Inspector's advised the program they may want to contact state building codes to determine if they need an inspection.

Administrator Interview:

1. Y ☒ N ☐ Administrator explained policy for contraband check, including the circumstances in which searches will be conducted and the training of staff conducting search.

Comments: The program is given written authorization to conduct searches for contraband of the children. All of the belongings are gone through when students first arrive. No physical search is conducted. Random searches through the backpacks of kids attending public school occurs and random tests for drugs.

2. ☒ ☐ Reviewed with Administrator at least two personnel files of employee's to verify background checks are on file and fingerprint checks have been performed.

Comments: Everything appeared to be in order.

3. ☒ ☐ Reviewed with Administrator at least two program participants files to verify they are kept within accordance of programs policy and federal and state laws for privacy.

Comments: Kept in administrative offices, limited access.

4.
☒ ☐ Reviewed with Administrator at least two program participant's files to verify that each has an individual treatment plan in place. (at least one different from above two)

Comments: Individual plans and therapy notes were contained in the files.

5.
☒ ☐ Review medication dispensation log to verify that kept up to date including information on missed or refused dosages and medication changes.

Comments: Medication log was current.

6.
☒ ☐ Verify with Administrator that copies of all professional staff certifications are maintained on the premise.

Comments: Professional staff certifications contained in the files Inspectors examined.

Staff Interviews – only one staff member available for interview:

1.
Y N
☒ ☐ Staff explained definition of inappropriate and appropriate behaviors of program participants.

Comments: Inappropriate behavior was explained as not following the rules, completing chores, and schoolwork. While working within the rules and guidelines of the program was appropriate.

2.
☒ ☐ Staff explained acceptable and unacceptable responses to inappropriate behaviors as well as acceptable consequences to inappropriate behaviors.

Comments: Staff will speak with student if it's a minor incident or assign push-ups. For major things the student may be required to go solo for a number of days which includes camping on

the lawn, completing written assignments assigned by the LAC that relate to the incident. All student perform work on workdays, those who have not completed their regular chores correctly or not performing in school may be given overtime and must work an additional period of time beyond the rest. Energy hours (leaving lights on) are worked off once 10 hours are accumulated. Rewards for working their program include greater trust, internet and email privileges, there is not level system.

3.

☐

Staff verified training in these areas has occurred and does reoccur at least annually.

Comments:

Staff is provided with a packet of goals and rules of the program. All staff CPR trained and get on the job training for specific issues.

4.

☐

Staff verified the purpose of physical labor (not for the sole purpose of punishment).

Comments:

Staff indicated that students do perform physical labor but that the purpose is for therapeutic purposes – energy hours and overtime.

5.

☐

Staff verified necessary food, clothing, bedding, rest, toilet use or bathing facilities are not denied to participants as a form of punishment.

Comments:

Food, clothing and other necessities are not withheld from students. Students can add items they need to list on fridge.

6.

☐

Staff verified that verbal abuse, ridicule, humiliation, profanity, threats or other forms of degradation are not directed at participants or their families.

Comments:

Staff indicated this type of behavior is not tolerated.

7.

☐

Staff verified denial of visits or communication with parents/guardians does not occur for the sole purpose of punishment (program guidelines, activities, plans or court orders may require short periods where communication cannot occur).

Comments:

Staff explained communication not withheld unless very serious issue and then for short time and communication with the parents and staff occurs.

8.

☐

Locked confinements or placing participants in a locked room for non therapeutic purposes are not used.

Comments: Not used.

9.

☐

The administration of medication for disciplinary purposes, the convenience of staff or as a substitute for treatment services is not done.

Comments: Staff verified medication is only dispensed as prescribed.

10.

☐

Staff verified all punishment given to a participant is done with at least two staff members present.

Comments: No physical punishment occurs.

11.

☐

Physical or mental suffering including pain to force compliance does not occur.

Comments: Staff verified this does not occur.

12.

☐

The use of passive restraint is explained and falls within the program rules (only used in a situation when an imminent threat to the participant, staff or others and only by trained staff – CPI and MANDT).

Comments: Don't train in either, bear hug is used if needed.

13.

☐

Staff explained use of short term time out for behavior modification methods employed at the facility.

Comments: Staff explained time alone as described above - solo.

14.

☐

Staff explained procedures for handling emergency situations such as suicide threat/attempt, assault or runaway.

Comments: Emergency numbers are posted, assign a buddy to be with them at all time. Will send to facility if needed and then bring back to program when more stable.

Participant Interviews – combined answers of two participants

1.

Y

N

☒☐

Participant explained how staff deals with inappropriate and appropriate behaviors of program participants.

Comments:

The students confirmed solo, overtime and energy hours as explained by staff above. Students also mentioned progression through 12 step program and getting privileges such as email and ipod when they are meeting the expectations of the program.

2.

☒☐

Participant acknowledges have access to routine and emergent medical services as needed, including mental health services.

Comments:

Both students agreed services are available. Mental health services occur during regular weekly sessions and nightly group.

3.

☒☐

Verified participant received handbook outlining expectations and acceptable standards of the program.

Comments:

A print out of the rules was gone through when first arrived and 12 step program is a guideline also.

4.

☒☐

Participant verified the purpose of physical labor (not for the sole purpose of punishment).

Comments:

Students indicated that the work projects are part of their therapy and a learning experience.

5.

☒☐

Participant verified necessary food, clothing, bedding, rest, toilet use or bathing facilities are not denied to participants as a form of punishment.

Comments:

Food is good. Also mentioned needs list on the fridge.

6. ☒ ☐ Participant verified that verbal abuse, ridicule, humiliation, profanity, threats or other forms of degradation are not directed at participants or their families.

Comments: Does not occur. Good relationship with staff.

7. ☒ ☐ Participant verified denial of visits or communication with parents/guardians does not occur for the sole purpose of punishment (program guidelines, activities, plans or court orders may require short periods where communication cannot occur).

Comments: Students get calls every two weeks to parents.

8. ☒ ☐ Locked confinements or placing participants in a locked room for non therapeutic purposes are not used.

Comments: No such place.

9. ☒ ☐ The administration of medication for disciplinary purposes, the convenience of staff or as a substitute for treatment services is not done.

Comments: Does not happen.

10. ☒ ☒ Participant verified all punishment given to a participant is done with at least two staff members present. Determine if corporal punishment is used.

Comments: Physical punishment does not occur.

11. ☒ ☐ Physical or mental suffering including pain to force compliance does not occur.

Comments: Does not happen.

12. ☒ ☐ The use of passive restraint is explained and falls within the program rules (only used in a situation when an imminent threat to the participant, staff or others and only by trained staff – CPI and MANDT).

Comments: No physical.

13.

☐

Participant explained use of short term time out for behavior modification methods employed at the facility.

Comments: Solo as described above.

Report of Inspection

at the request of

The Private Alternative Adolescent Residential Program

Program: Chrysalis
77 Trails End Rd
Eureka MT 59917

Supervising Attorney: Colleen White

Inspector: Amber Carpenter
William W. Wood

Date of Inspection: May 26, 2010

Date of Report: May 27, 2010

Site Inspection:

1.

Y

N

☒☒

Plan of operation as described in application fits with the appearance of the operation as laid out during walk through.

Comments:

Due to time constraints of this process the Inspectors did not receive a copy of the program plan of operation prior to the inspection. Therefore, the following is a narrative of the basic operation as explained to the Inspectors at the time of the inspection.

Chrysalis is a residential program for teenage girls who are struggling with self esteem issues, drugs, adoption, and other self destructive behaviors. Girls range in age from 14 to 18 and their approximate stay is 18 months. Girls are all schooled at the facility but are part of the Eureka public school system. This arrangement allows for the girls credits to be articulated to a Lincoln County High School transcript. All teachers are paid employee's of Chrysalis. Curriculum is provided by the Eureka Public Schools. Therapy is a large part of the program which employs 4 licensed counseling professionals.

2.

☒☐

The number of program participants is consistent with information submitted with application and provided by Administrator.

Comments:

The program has 36 girls are in residence at this time.

3.

☐☒

Premise does not contain an area that could be used for corporal punishment, isolation or the ability to inflict physical pain as a disciplinary measure.

Comments:

No area was viewed. This information was confirmed through staff and participant interviews.

4.

☒☐

Buildings are equipped with fire extinguishers, emergency exits plans and smoke detectors that are placed conspicuously.

Comments:

Fire extinguishers, emergency exit plans, and smoke detectors were present in all buildings.

5. ☒ ☐ Any noted deficiencies in most recent Deputy State Fire Marshalls report have been addressed.

Comments: Deputy State Fire Marshall has inspected the facilities and all noted deficiencies have been addressed.

6. ☒ ☐ Program facilities are free from any major notable safety hazards or defects.

Comments: No noted hazards.

7. ☒ ☐ If program is required to have periodic water quality testing and septic maintenance, verify these inspections are current.

Comments: Septic system pumped annually, no water quality testing needed.

8. ☒ ☐ Facility contains an adequately supplied first aid kit which is maintained and in good working order.

Comments: First aid kit in staff office, each house, and all vehicles.

9. ☒ ☐ Area medications are stored in a controlled area with limited access.

Comments: Medications are kept in locked room.

10. ☒ ☐ Food preparation and serving areas are adequate to ensure nutritional needs of participants are met.

Comments: All areas appeared adequate. Food is prepared by staff cook with the assistance of girls on a rotation.

11. ☒ ☐ Food preparation areas are operated in a clean and safe manner with all equipment, storage and serving tools in good working order.

Comments: All areas appeared clean. Equipment and tools seemed in good working order. Inspectors visited during lunch preparation and all equipment and food appeared excellent.

12. ☒ ☐ Vehicles used to transport participants and staff has emergency information contained in the vehicle. (Name, address, telephone of program and emergency phone numbers)

Comments: Emergency information was all contained in the vehicles.

13. ☒ ☐ Verified if any newly constructed buildings or remodeling has been done with the last 18-24 months. If so, determine if building, plumbing and electrical permits were received and proper inspections done upon completion of project.

Comments: Building permits in place, construction occurring building new school house.

Administrator Interview:

1. Y ☒ N ☐ Administrator explained policy for contraband check, including the circumstances in which searches will be conducted and the training of staff conducting search.

Comments: The program is given written authorization to conduct searches for contraband of the children. All of the belongings are gone through at the time they arrive by house staff. No physical search is conducted. Behavior contract for off-site visits is signed which states willingness to submit to testing upon return.

2. ☒ ☐ Reviewed with Administrator at least two personnel files of employee's to verify background checks are on file and fingerprint checks have been performed.

Comments: All personnel files appeared in order, one was missing background check information but proof of order the check was in the file.

3. ☒ ☐ Reviewed with Administrator at least two program participants files to verify they are kept within accordance of programs policy and federal and state laws for privacy.

Comments: Kept in administrative offices, limited access.

4.
☒ ☐ Reviewed with Administrator at least two program participant's files to verify that each has an individual treatment plan in place. (at least one different from above two)

Comments: Individual plans and therapy notes were contained in the files.

5.
☒ ☐ Review medication dispensation log to verify that kept up to date including information on missed or refused dosages and medication changes.

Comments: Medication log was current.

6.
☒ ☐ Verify with Administrator that copies of all professional staff certifications are maintained on the premise.

Comments: Professional staff certifications kept in administrative office.

Staff Interviews – combined answers of two staff:

1.
Y N
☒ ☐ Staff explained definition of inappropriate and appropriate behaviors of program participants.

Comments: Inappropriate behavior was explained as not following the rules or not completing school work or therapy as assigned. While working within the rules and guidelines of the program was appropriate.

2.
☒ ☐ Staff explained acceptable and unacceptable responses to inappropriate behaviors as well as acceptable consequences to inappropriate behaviors.

Comments: Students suffer consequences for not following rules such as weeding the garden or for more serious issues they may drop a level. Clinical team makes determination for level movements (up and down).

3.

☒ ☒

Staff verified training in these areas has occurred and does reoccur at least annually.

Comments:

One staff stated majority of training occurs at the beginning of the school year and then there are smaller training sessions throughout the year as need to deal with issues. The other staff (who is newer and hasn't been there for the beginning of year training) stated there was no orientation or training upon hiring and the process was a bit rushed. The staff stated they felt this area could be improved.

4.

☒ ☐

Staff verified the purpose of physical labor (not for the sole purpose of punishment).

Comments:

Staff indicated that students do perform physical labor but that the purpose is for working through their issues.

5.

☒ ☐

Staff verified necessary food, clothing, bedding, rest, toilet use or bathing facilities are not denied to participants as a form of punishment.

Comments:

Food, clothing and other necessities are not withheld from students

6.

☒ ☐

Staff verified that verbal abuse, ridicule, humiliation, profanity, threats or other forms of degradation are not directed at participants or their families.

Comments:

Staff indicated this type of behavior is not tolerated.

7.

☒ ☐

Staff verified denial of visits or communication with parents/guardians does not occur for the sole purpose of punishment (program guidelines, activities, plans or court orders may require short periods where communication cannot occur).

Comments:

Staff explained communication not withheld for punishment.

8.

☒ ☐

Locked confinements or placing participants in a locked room for non therapeutic purposes are not used.

Comments:

Not used.

9.

☒ ☐

The administration of medication for disciplinary purposes, the convenience of staff or as a substitute for treatment services is not done.

Comments: Staff verified medication is only dispensed as prescribed.

10.

☐

Staff verified all punishment given to a participant is done with at least two staff members present.

Comments: No physical punishment occurs.

11.

☐

Physical or mental suffering including pain to force compliance does not occur.

Comments: Staff verified this does not occur.

12.



The use of passive restraint is explained and falls within the program rules (only used in a situation when an imminent threat to the participant, staff or others and only by trained staff – CPI and MANDT).

Comments: Staff indicated never witnessed need for it, is not trained and do not know protocols.

13.

☐

Staff explained use of short term time out for behavior modification methods employed at the facility.

Comments: Staff explained students may go for walk with staff, generally does not occur.

14.

☐

Staff explained procedures for handling emergency situations such as suicide threat/attempt, assault or runaway.

Comments: Emergency numbers are posted, may be placed within site and sound of staff. Recent training for suicide prevention occurred.

Participant Interviews – combined answers of two participants

1.

Y

N

☒☐

Participant explained how staff deals with inappropriate and appropriate behaviors of program participants.

Comments:

The students confirmed levels and requirement to do extra chores. Appropriate behavior results in increase in levels and more trust/privileges with staff.

2.

☒☐

Participant acknowledges have access to routine and emergent medical services as needed, including mental health services.

Comments:

Both students agreed services are available.

3.

☒☐

Verified participant received handbook outlining expectations and acceptable standards of the program.

Comments:

Both agreed they received a handbook.

4.

☒☐

Participant verified the purpose of physical labor (not for the sole purpose of punishment).

Comments:

Students indicated that physical work is designed to help work through issues.

5.

☒☐

Participant verified necessary food, clothing, bedding, rest, toilet use or bathing facilities are not denied to participants as a form of punishment.

Comments:

Food is good.

6.

☒☐

Participant verified that verbal abuse, ridicule, humiliation, profanity, threats or other forms of degradation are not directed at participants or their families.

Comments:

Does not occur.

7.

☒☐

Participant verified denial of visits or communication with parents/guardians does not occur for the sole purpose of punishment (program guidelines, activities, plans or court orders may require short periods where communication cannot occur).

Comments: Students get weekly calls, may be supervised by therapist.

8.



Locked confinements or placing participants in a locked room for non therapeutic purposes are not used.

Comments: No such place.

9.



The administration of medication for disciplinary purposes, the convenience of staff or as a substitute for treatment services is not done.

Comments: Does not happen.

10.



Participant verified all punishment given to a participant is done with at least two staff members present. Determine if corporal punishment is used.

Comments: Physical punishment does not occur.

11.



Physical or mental suffering including pain to force compliance does not occur.

Comments: Does not happen.

12.



The use of passive restraint is explained and falls within the program rules (only used in a situation when an imminent threat to the participant, staff or others and only by trained staff – CPI and MANDT).

Comments: Students indicated never witnessed a need for this.

13.



Participant explained use of short term time out for behavior modification methods employed at the facility.

Comments: Generally only occurs when students ask, good at giving space when needed.

Report of Inspection

at the request of

The Private Alternative Adolescent Residential Program

Program: Clearview Horizons
Barefoot Lane
Heron MT

Supervising Attorney: Colleen White

Investigator: Amber Carpenter
William W. Wood

Date of Report: May 6, 2010

-
- I. Summary of Program**
 - II. Details of Site Inspection**
 - III. Details of Staff Interviews**
 - IV. Details of Participant Interviews**
 - V. Summary of Findings**
-

I. SUMMARY OF PROGRAM

Clearview Horizons is a program designed specifically for troubled teen girls ranging in age from 14 through 19 whose average stay is approximately 14 months. The young ladies at Clearview are generally there because of low self esteem, lack of motivation, drug use and abuse.

The monthly tuition is approximately \$5,000 which includes weekly counseling sessions, group sessions, outdoor experiences, room and board and 24-hour supervision. The education offered at Clearview ranges from home school, local public school and community college.

Clearview has 10 staff members, including direct care staff, certified teachers (one certified in Idaho only), transportation staff, therapists and various

administrative staff. The programs numbers are down, currently only 18 young ladies are in residence at this time.

II. DETAILS OF SITE INSPECTION

The Investigators met with Troy Knight, Program Director and Mary Theilbahr, Clinical Director at their facility in Heron, MT.

During the meeting and site walk through we discussed the program and were informed the program originally started 14 years ago at Ms. Theilbahrs home with one troubled girl and has developed into the program as it is today. A review of the staff files indicates everything in place except for missing background check on one of the staff.

The main level of the facility opens into the main living, kitchen and dining area for the home. Mr. Knight's office is in this area as well. Two additions have been added onto the home in the past year; a sunroom type room on either end of the house. One is used for staff offices and locked medication and other chemicals while the other sun room addition is used for therapy sessions with the counselors and ladies. The upstairs contains 4 large bedrooms which house from 4-8 students at a time along with a large closet room and a bathroom. The lower level is used as a classroom and includes laundry facilities and an office and storage room. The home is equipped with an alarm system that calls out in the main level whenever a door opens.

When the building completed the additions of the two sunrooms all proper building permits were obtained and licensed contractors used to complete the work. The ladies do not perform any construction type labor on the premise as part of their therapy. They do complete some landscaping duties as well as house chores. A Fire Marshall inspection has not been done at the facility. The facility has a Department of Environmental Quality (DEQ) inspected and approved commercial septic system.

All medication is kept in the staff office in a locked closet. The medication log which is also locked in with the medications was up to date and appeared in order. All staff is trained in various levels of first aid. First Aid kits, insurance and emergency information (for the vehicles and each student) is maintained in all vehicles.

One of the vehicles used by the program is a commercial vehicle. This vehicle is inspected by the Montana Department of Transportation, Motor Carrier Services annually and contains the business name and DOT number. The driver of this vehicle maintains a class C CDL with a passenger endorsement. The remaining two vehicles used for transportation are not commercial.

The review of the facilities indicated that the serving areas for food are clean, safe and sufficient for meeting the nutritional needs of the children. The young ladies each help prepare meals 3 times a week based on menus prepared by Ms. Theilbahr and approved by a dietician.

The policy for contraband checks was explained to include an agreement signed off on by the parents and the student agreeing to the check. Additionally, the young ladies who go off campus regularly such as attending public school are tested frequently on site for drugs, alcohol and nicotine.

III. DETAILS OF STAFF INTERVIEWS

Kristen Miller is a Certified Teacher in Idaho and has been hired by Clearview to be the Program Manager. She worked for a program in Idaho as a teacher until its closure recently. Ms. Miller is working on getting her certification in Montana.

Ms. Miller explained students who do not comply with program rules, curse or have negative attitudes generally are assigned additional chores such as campus clean up and exercise. Participants are talked to and asked to re-focus on their goals for being there. Sometimes they need time alone to think. She confirmed any physical labor is part of therapy to deal with underlying issues and the student is always counseled on optional actions for next time.

Ms. Miller confirmed that the students are not ridiculed, humiliated or threatened by staff. They are given adequate food, clothing and basic necessities and are not denied these things as a form of punishment. Additionally, Ms. Miller confirmed the ladies are not locked in a confined area or given medications instead of assisting them in dealing with the issues they face.

She stated that all staff is trained in CPI but she has never witnessed a need for staff to use their training.

The Investigators arrived shortly before the ladies left the facility to do some physical fitness as they are training for the Bloomsday Race in Spokane in the near future. Ms. Miller was the only staff left on the premise (besides Mr. Knight and Ms. Theilbahr). Therefore, only one staff member was interviewed at Clearview.

IV. DETAILS OF PARTICIPANT INTERVIEWS

Kate Branch is 15 years old and has been at Clearview for approximately 4 ½ months. Ms. Branch was interviewed by the Investigators for the purposes of this report.

Ms. Branch indicated that when the rules are broken you receive a write up and the write ups keep you from being a “top dog”. Top dogs have the most privileges and freedom because they have earned the trust of the staff and are working through their issues. She also stated the top dogs mentor a newer arrival acting as a “big sister”. Reading her the rules when she first comes in and staying close to her to help her adjust to the new environment.

Ms. Branch also stated that additional chores or physical activity can be assigned if rules are broken. She stated she knew of one staff member who verbally abused or ridiculed some of the girls when she first came but that staff member was fired. The staff treats everyone really well and do not withhold food, clothes or other basic needs as a form of punishment.

Ms. Branch explained that access to medical and mental services are readily available. Meetings with counselors occur on a regular basis and doctor and dentists appointments as needed. She confirmed that medication is not dispensed unless there is a prescription or a legitimate need for over the counter medication.

Ms. Branch confirmed that no corporal punishment occurs and that pain is not used to force compliance with the rules of the program. She stated she has never seen a staff member even need to restrain a student in a passive restraint method. Ms. Branch explained that if a person was really out of control they do not confine anyone alone but rather encourage them to take a walk with a staff member or more senior participant that they trust to help talk out their issues.

Sophie Gray agreed to an interview with the Investigators. Ms. Gray is 16 years old and has been at Clearview for over a month.

Ms. Gray stated she is pregnant and has had adequate medical services provided to her since she has been at the program. She also feels that the food she has been receiving is high quality.

She explained that the consequences for inappropriate behavior could include extra physical activity in the form of exercise or chores. Also they are sometimes required to “dig a grave” as a form of therapy. She explained this consists of digging a small hole and then burying whatever issues are underlying that may have caused the inappropriate behavior.

Ms. Gray has only been at the program a short time but has never witnessed verbal abuse or humiliation by the staff and has never experienced any basic life necessities withheld for punishment. She did explain that phone calls are restricted for the first month to allow the new student to transition into the program. She stated she has not had her first phone call yet but is looking forward to it and understands that they could be restricted in the future for serious inappropriate behavior.

V. SUMMARY OF FINDINGS

The facilities appear to be in compliance with all applicable federal and state regulations. The latest Fire Marshall inspection of the main building did not note any deficiencies and the recent additions were done with the required building permits.

The results of the interviews with staff indicate that the day to day practices in dealing with the children, their issues and education are in line with the policies and requirements of the programs. The same result is noted with the participant interviews.

Report of Inspection

at the request of

The Private Alternative Adolescent Residential Program

Program: Clearview Horizons
Barefoot Lane
Heron MT

Supervising Attorney: Colleen White

Inspector: Amber Carpenter
William W. Wood

Date of Inspection: April 21, 2010

Date of Report: May 24, 2010

Site Inspection:

1.

Y

N

☒☒

Plan of operation as described in application fits with the appearance of the operation as laid out during walk through.

Comments:

Due to time constraints of this process the Inspectors did not receive a copy of the program plan of operation prior to the inspection. Therefore, the following is a narrative of the basic operation as explained to the Inspectors at the time of the inspection.

Clearview Horizons is a program designed specifically for troubled teen girls ranging in age from 14 through 19 whose average stay is approximately 14 months. The students at Clearview are generally there because of low self esteem, lack of motivation, drug use, and abuse. Clearview has 10 staff members, including direct care staff, certified teachers (one certified in Idaho only), transportation staff, therapist, and various administrative staff. The education offered at Clearview ranges from home school, local public school, and community college. Girls are also involved in weekly counseling sessions, group sessions, outdoor experiences, and community/local events.

2.

☒☐

The number of program participants is consistent with information submitted with application and provided by Administrator.

Comments:

The programs numbers are down, only 18 students are in residence at this time.

3.

☐☒

Premise does not contain an area that could be used for corporal punishment, isolation or the ability to inflict physical pain as a disciplinary measure.

Comments:

No area was viewed. This information was confirmed through staff and participant interviews.

4.

☒☐

Buildings are equipped with fire extinguishers, emergency exits plans and smoke detectors that are placed conspicuously.

Comments: In addition to the fire extinguishers, emergency exit plans and smoke detectors, the main building includes an alarm system that announces when a door is opened in the main staff area.

5. ☒ ☐ Any noted deficiencies in most recent Deputy State Fire Marshalls report have been addressed.

Comments: Deputy State Fire Marshall has inspected the building and no discrepancies were noted.

6. ☒ ☐ Program facilities are free from any major notable safety hazards or defects.

Comments: No noted hazards. Cleaning supplies and bathroom supplies are kept in locked cabinets.

7. ☒ ☐ If program is required to have periodic water quality testing and septic maintenance, verify these inspections are current.

Comments: Water inspection ok. Commercial septic system installed and approved by DEQ.

8. ☒ ☐ Facility contains an adequately supplied first aid kit which is maintained and in good working order.

Comments: First aid kit in staff office.

9. ☒ ☐ Area medications are stored in a controlled area with limited access.

Comments: Medications are kept in locked storage room in the locked staff office. Access to this room is limited to certain staff.

10. ☒ ☐ Food preparation and serving areas are adequate to ensure nutritional needs of participants are met.

Comments: All areas appeared adequate. Food is prepared by the girls with the assistance of staff. Mary puts together the menus.

11.

- ☒ ☐ Food preparation areas are operated in a clean and safe manner with all equipment, storage and serving tools in good working order.

Comments: All areas appeared clean. Equipment and tools seemed in good working order.

12. ☒ ☐ Vehicles used to transport participants and staff has emergency information contained in the vehicle. (Name, address, telephone of program and emergency phone numbers)

Comments: Emergency information was all contained in the vehicles. The vehicles used for transport of children include passenger vehicles and one commercial vehicle that is inspected by Department of Transportation on a yearly basis and driven by a staff member who holds a CDL.

13. ☒ ☐ Verified if any newly constructed buildings or remodeling has been done with the last 18-24 months. If so, determine if building, plumbing and electrical permits were received and proper inspections done upon completion of project.

Comments: Obtained required permits when building was built.

Administrator Interview:

1.
Y N
☒ ☐ Administrator explained policy for contraband check, including the circumstances in which searches will be conducted and the training of staff conducting search.

Comments: The program is given written authorization to conduct searches for contraband of the children. All of the belongings are gone through in the office with the student. No physical search is conducted, they are asked to empty pockets and assist in inventorying their items. They are also given random tests for drugs, alcohol, and nicotine. The same process is done when the go on pass.

2. ☒ ☐ Reviewed with Administrator at least two personnel files of employee's to verify background checks are on file and fingerprint checks have been performed.

Comments: Everything appeared to be in order.

3. ☒ ☐ Reviewed with Administrator at least two program participants files to verify they are kept within accordance of programs policy and federal and state laws for privacy.

Comments: Kept in administrative offices, limited access.

4. ☒ ☐ Reviewed with Administrator at least two program participant's files to verify that each has an individual treatment plan in place. (at least one different from above two)

Comments: Individual plans and therapy notes were contained in the files.

5. ☒ ☐ Review medication dispensation log to verify that kept up to date including information on missed or refused dosages and medication changes.

Comments: Medication log was current.

6. ☒ ☐ Verify with Administrator that copies of all professional staff certifications are maintained on the premise.

Comments: Professional staff certifications contained in the files Inspectors examined.

Staff Interviews – only one staff member available for interview:

1.
Y N
☒ ☐ Staff explained definition of inappropriate and appropriate behaviors of program participants.

Comments: Inappropriate behavior was explained as not following the rules, cursing, negative attitude, and not completing chores. While working within the rules and guidelines of the program was appropriate.

2. ☒ ☐ Staff explained acceptable and unacceptable responses to inappropriate behaviors as well as acceptable consequences to inappropriate behaviors.

Comments: Staff speak with student and help them to re-focus on their reason for being there, sometimes student will go to the art room our spend time outside to think through the situation. If it's very serious they may be given extra chores, campus clean up, and excercise.

3. ☒ ☐ Staff verified training in these areas has occurred and does reoccur at least annually.

Comments: Yes.

4. ☒ ☐ Staff verified the purpose of physical labor (not for the sole purpose of punishment).

Comments: Staff indicated that students do perform physical labor but that the purpose is for therapeutic purposes to help them to deal with the underlying issues that brought out the behavior and what may be a better thing to do next time.

5. ☒ ☐ Staff verified necessary food, clothing, bedding, rest, toilet use or bathing facilities are not denied to participants as a form of punishment.

Comments: Food, clothing and other necessities are not withheld from students

6. ☒ ☐ Staff verified that verbal abuse, ridicule, humiliation, profanity, threats or other forms of degradation are not directed at participants or their families.

Comments: Staff indicated this type of behavior is not tolerated.

7. ☒ ☐ Staff verified denial of visits or communication with parents/guardians does not occur for the sole purpose of punishment (program guidelines, activities, plans or court orders may require short periods where communication cannot occur).

Comments: Staff explained communication for the first month is limited but part of the therapy.

8. ☒ ☐ Locked confinements or placing participants in a locked room for non therapeutic purposes are not used.

Comments: Not used.

9. ☒ ☐ The administration of medication for disciplinary purposes, the convenience of staff or as a substitute for treatment services is not done.

Comments: Staff verified medication is only dispensed as prescribed.

10. ☒ ☐ Staff verified all punishment given to a participant is done with at least two staff members present.

Comments: No physical punishment occurs.

11. ☒ ☐ Physical or mental suffering including pain to force compliance does not occur.

Comments: Staff verified this does not occur.

12. ☒ ☐ The use of passive restraint is explained and falls within the program rules (only used in a situation when an imminent threat to the participant, staff or others and only by trained staff – CPI and MANDT).

Comments: Staff is trained, but has not had to use it yet.

13. ☒ ☐ Staff explained use of short term time out for behavior modification methods employed at the facility.

Comments: Staff explained time alone as described above.

14. ☒ ☐ Staff explained procedures for handling emergency situations such as suicide threat/attempt, assault or runaway.

Comments: Emergency numbers are posted, transport to mental health facility for evaluation if needed.

Participant Interviews – combined answers of two participants

1.

Y

N

☒☐

Participant explained how staff deals with inappropriate and appropriate behaviors of program participants.

Comments:

The students confirmed that extra cleaning, campus activities, and exercise may be given to a student who does not follow the rules. If rules are followed verbal praise and additional trust is given.

2.

☒☐

Participant acknowledges have access to routine and emergent medical services as needed, including mental health services.

Comments:

Both students agreed services are available. Mental health services occur during regular weekly sessions and nightly group.

3.

☒☐

Verified participant received handbook outlining expectations and acceptable standards of the program.

Comments:

A "big sister" is assigned to a new girl to help her learn the rules and make her feel comfortable with the new situation.

4.

☒☐

Participant verified the purpose of physical labor (not for the sole purpose of punishment).

Comments:

Students indicated that the work projects are part of their therapy.

5.

☒☐

Participant verified necessary food, clothing, bedding, rest, toilet use or bathing facilities are not denied to participants as a form of punishment.

Comments:

Food is good.

6.

☒☐

Participant verified that verbal abuse, ridicule, humiliation, profanity, threats or other forms of degradation are not directed at participants or their families.

Comments: Does not occur. Witnessed one staff do this, staff member was fired.

7.

☐

Participant verified denial of visits or communication with parents/guardians does not occur for the sole purpose of punishment (program guidelines, activities, plans or court orders may require short periods where communication cannot occur).

Comments: Students get weekly calls after the first month.

8.

☐

Locked confinements or placing participants in a locked room for non therapeutic purposes are not used.

Comments: No such place.

9.

☐

The administration of medication for disciplinary purposes, the convenience of staff or as a substitute for treatment services in not done.

Comments: Does not happen.

10.



Participant verified all punishment given to a participant is done with at least two staff members present. Determine if corporal punishment is used.

Comments: Physical punishment does not occur.

11.

☐

Physical or mental suffering including pain to force compliance does not occur.

Comments: Does not happen.

12.

☐

The use of passive restraint is explained and falls within the program rules (only used in a situation when an imminent threat to the participant, staff or others and only by trained staff – CPI and MANDT).

Comments: No physical, use of words.

13.

☐

Participant explained use of short term time out for behavior modification methods employed at the facility.

Comments: Generally not alone, but spend time with someone (staff, older student, therapist) that you trust to talk out situations.

Report of Inspection

at the request of

The Private Alternative Adolescent Residential Program

Program: Elk Creek Academy
54 Serenity Lane
Heron MT

Supervising Attorney: Colleen White

Inspector: Amber Carpenter
William W. Wood

Date of Inspection: April 21, 2010

Date of Report: May 20, 2010

Site Inspection:

1.

Y

N

☒☒

Plan of operation as described in application fits with the appearance of the operation as laid out during walk through.

Comments:

Due to time constraints of this process the Inspectors did not receive a copy of the program plan of operation prior to the inspection. Therefore, the following is a narrative of the basic operation as explained to the Inspectors at the time of the inspection.

Elk Creek Academy (Elk Creek) is a program for struggling teen boys between the ages of 14 and 18. Most of the boys at Elk Creek have substance abuse issues, learning, and/or behavior disorders. Elk Creek includes traditional academics with a 12-step program and individualized therapy. Much of their philosophy is based on replacing the boys risky behaviors of the past with healthy risk taking activities such as skiing, dirt bike riding and skateboarding. Elk Creek has 10+ on staff, including direct care staff, a certified teacher, teacher's assistant, therapists, and various administrative staff.

2.

☒☐

The number of program participants is consistent with information submitted with application and provided by Administrator.

Comments:

The programs numbers are down significantly, only 10 boys are in residence at this time.

3.

☐☒

Premise does not contain an area that could be used for corporal punishment, isolation or the ability to inflict physical pain as a disciplinary measure.

Comments:

No area was viewed. This information was confirmed through staff and participant interviews.

4.

☒☐

Buildings are equipped with fire extinguishers, emergency exits plans and smoke detectors that are placed conspicuously.

Comments:

In addition to the fire extinguishers, emergency exit plans and smoke detectors, the main building includes fire alarm pulls and panic hardware on the main entrance doors.

The building has an alarm system that triggers if any dormitory door or window is opened at night to alert night staff.

5.

☐

Any noted deficiencies in most recent Deputy State Fire Marshalls report have been addressed.

Comments:

Deputy State Fire Marshall has inspected the building and no discrepancies were noted.

6.

☐

Program facilities are free from any major notable safety hazards or defects.

Comments:

No noted hazards. Cleaning supplies and bathroom supplies are kept in locked cabinets.

7.

☐

If program is required to have periodic water quality testing and septic maintenance, verify these inspections are current.

Comments:

Water inspection ok. Commercial septic system installed and approved by DEQ.

8.

☐

Facility contains an adequately supplied first aid kit which is maintained and in good working order.

Comments:

First aid kit in staff office.

9.

☐

Area medications are stored in a controlled area with limited access.

Comments:

Medications are kept in locked storage room off staff office. Access to this room is limited to certain staff, access is gained with key code and thumb print scan.

10.

☐

Food preparation and serving areas are adequate to ensure nutritional needs of participants are met.

Comments:

All areas appeared adequate. Food is prepared by staff cook and clean up is done by boys.

11.

☐

Food preparation areas are operated in a clean and safe manner with all equipment, storage and serving tools in good working order.

Comments: All areas appeared clean. Equipment and tools seemed in good working order.

12.

☐

Vehicles used to transport participants and staff has emergency information contained in the vehicle. (Name, address, telephone of program and emergency phone numbers)

Comments: Emergency information was all contained in the vehicles. The vehicles used for transport of children include three passenger vehicles. Keys to each vehicle are attached to a first aid kit which includes medical release and medication information for each student.

13.

☐

Verified if any newly constructed buildings or remodeling has been done with the last 18-24 months. If so, determine if building, plumbing and electrical permits were received and proper inspections done upon completion of project.

Comments: Obtained required permits when building was built.

Administrator Interview:

1.

Y

N

☐

Administrator explained policy for contraband check, including the circumstances in which searches will be conducted and the training of staff conducting search.

Comments: The program is given written authorization to conduct searches for contraband of the children. All of the belongings are gone through at the time they arrive. No physical search is conducted.

2.

☐

Reviewed with Administrator at least two personnel files of employee's to verify background checks are on file and fingerprint checks have been performed.

Comments: Everything appeared to be in order. Staff background checks were in the State of Idaho only. This will change with new fingerprint checks put in place by the Board.

3.

☐

Reviewed with Administrator at least two program participants files to verify they are kept within accordance of programs policy and federal and state laws for privacy.

Comments: Kept in administrative offices, limited access.

4.
☒ ☐ Reviewed with Administrator at least two program participant's files to verify that each has an individual treatment plan in place. (at least one different from above two)

Comments: Individual plans and therapy notes were contained in the files.

5.
☒ ☐ Review medication dispensation log to verify that kept up to date including information on missed or refused dosages and medication changes.

Comments: Medication log was current.

6.
☒ ☐ Verify with Administrator that copies of all professional staff certifications are maintained on the premise.

Comments: Professional staff certifications contained in the files Inspectors examined.

Staff Interviews – combined answers of two staff:

1.
Y N
☒ ☐ Staff explained definition of inappropriate and appropriate behaviors of program participants.

Comments: Inappropriate behavior was explained as not following the rules or inappropriate physical conduct (fighting). While working within the rules and guidelines of the program was appropriate.

2.
☒ ☐ Staff explained acceptable and unacceptable responses to inappropriate behaviors as well as acceptable consequences to inappropriate behaviors.

Comments: Students suffer consequences for not following rules through a points system called "Docks". Points get docked, with 3 docks the student will lose the recreational

privileges for the week. If they get more than 3 docks they are put on Therapeutic Labor Crew (TLC). This generally comes from misbehaving in school or not doing assigned chores.

3.

☐

Staff verified training in these areas has occurred and does reoccur at least annually.

Comments:

Staff goes through new orientation training, given handbooks and periodic training over time. Staff also works closely with more senior staff and therapists.

4.

☐

Staff verified the purpose of physical labor (not for the sole purpose of punishment).

Comments:

Staff indicated that students do perform physical labor but that the purpose is for therapeutic purposes to understand that with all actions consequences are attached. Sometimes kids will request TLC is having a hard time and need to think. They will always do a project with a therapist so discussions about their issues can be had while they work.

5.

☐

Staff verified necessary food, clothing, bedding, rest, toilet use or bathing facilities are not denied to participants as a form of punishment.

Comments:

Food, clothing and other necessities are not withheld from students

6.

☐

Staff verified that verbal abuse, ridicule, humiliation, profanity, threats or other forms of degradation are not directed at participants or their families.

Comments:

Staff indicated this type of behavior is not tolerated.

7.

☐

Staff verified denial of visits or communication with parents/guardians does not occur for the sole purpose of punishment (program guidelines, activities, plans or court orders may require short periods where communication cannot occur).

Comments:

Staff explained communication may be with the therapist if having issues so the therapist can direct the conversation, but not withheld for punishment.

8.

☐

Locked confinements or placing participants in a locked room for non therapeutic purposes are not used.

Comments: Not used.

9.

☐

The administration of medication for disciplinary purposes, the convenience of staff or as a substitute for treatment services is not done.

Comments: Staff verified medication is only dispensed as prescribed.

10.

☐

Staff verified all punishment given to a participant is done with at least two staff members present.

Comments: No physical punishment occurs.

11.

☐

Physical or mental suffering including pain to force compliance does not occur.

Comments: Staff verified this does not occur.

12.

☐

The use of passive restraint is explained and falls within the program rules (only used in a situation when an imminent threat to the participant, staff or others and only by trained staff – CPI and MANDT).

Comments: Staff is trained in CPI, physical restraint is a last resort.

13.

☐

Staff explained use of short term time out for behavior modification methods employed at the facility.

Comments: Staff explained TLC as described above, but this occurs with therapeutic staff to talk with the student.

14.

☐

Staff explained procedures for handling emergency situations such as suicide threat/attempt, assault or runaway.

Comments: Emergency numbers are posted, transport to mental health facility for evaluation if needed.

Participant Interviews – combined answers of two participants

1.

Y

N

☒☐

Participant explained how staff deals with inappropriate and appropriate behaviors of program participants.

Comments:

The students confirmed levels and dock systems in place along with TLC. One student explained sometimes if it is minor the staff will just talk to a student or make them do push-ups. Appropriate behavior results in increase in levels and more trust/privileges with staff.

2.

☒☐

Participant acknowledges have access to routine and emergent medical services as needed, including mental health services.

Comments:

Both students agreed services are available. Mental health services occur during regular weekly sessions and nightly group.

3.

☐☒

Verified participant received handbook outlining expectations and acceptable standards of the program.

Comments:

Both agreed they didn't receive a handbook, however both staff stated students are always referred back to handbook when they break a rule and showed the Inspectors the handbook posted outside the administrative offices and the chore handbook posted right next to the chore lists.

4.

☒☐

Participant verified the purpose of physical labor (not for the sole purpose of punishment).

Comments:

Students indicated that the work projects are referred to as TLC and generally occurs when docks are received along with a therapist to discuss the situations and how they could be handled differently in the future.

5. ☒ ☐ Participant verified necessary food, clothing, bedding, rest, toilet use or bathing facilities are not denied to participants as a form of punishment.

Comments: Food is good.

6. ☒ ☐ Participant verified that verbal abuse, ridicule, humiliation, profanity, threats or other forms of degradation are not directed at participants or their families.

Comments: Does not occur.

7. ☒ ☐ Participant verified denial of visits or communication with parents/guardians does not occur for the sole purpose of punishment (program guidelines, activities, plans or court orders may require short periods where communication cannot occur).

Comments: Students get weekly calls.

8. ☒ ☐ Locked confinements or placing participants in a locked room for non therapeutic purposes are not used.

Comments: No such place.

9. ☒ ☐ The administration of medication for disciplinary purposes, the convenience of staff or as a substitute for treatment services is not done.

Comments: Does not happen.

10. ☒ ☒ Participant verified all punishment given to a participant is done with at least two staff members present. Determine if corporal punishment is used.

Comments: Physical punishment does not occur – docks and TLC.

11. ☒ ☐ Physical or mental suffering including pain to force compliance does not occur.

Comments: Does not happen.

12.

☐

The use of passive restraint is explained and falls within the program rules (only used in a situation when an imminent threat to the participant, staff or others and only by trained staff – CPI and MANDT).

Comments: One student confirmed staff only may try to break up a fight between boys by getting between them. The other student has never witnessed a need for this.

13.

☐

Participant explained use of short term time out for behavior modification methods employed at the facility.

Comments: Besides TLC boys are sent to their room sometimes.

Report of Inspection

at the request of

The Private Alternative Adolescent Residential Program

Program: Explorations
119 S Hills Rd
Trout Creek MT

Supervising Attorney: Colleen White

Inspector: Amber Carpenter
William W. Wood

Date of Inspection: May 10, 2010

Date of Report: May 24, 2010

Site Inspection:

1.

Y

N

☒☒

Plan of operation as described in application fits with the appearance of the operation as laid out during walk through.

Comments:

Due to time constraints of this process the Inspectors did not receive a copy of the program plan of operation prior to the inspection. Therefore, the following is a narrative of the basic operation as explained to the Inspectors at the time of the inspection.

Explorations is an residential program with a summer outdoor component for boys. The goal of the program is to eventually integrate the boys back into their families. The ages of the boys in attendance range from 13 to 18 years of age. All the boys in the program attend public school while it is in session. The summer outdoor component is co-ed. Currently there are 4 full time staff members, with 2 residential counselors. The full time counselor is not license. The other counselor is currently on call part time.

2.

☒☐

The number of program participants is consistent with information submitted with application and provided by Administrator.

Comments:

9 students are in residence at this time.

3.

☐☒

Premise does not contain an area that could be used for corporal punishment, isolation or the ability to inflict physical pain as a disciplinary measure.

Comments:

No area was viewed. This information was confirmed through staff and participant interviews.

4.

☒☐

Buildings are equipped with fire extinguishers, emergency exits plans and smoke detectors that are placed conspicuously.

Comments:

Everything required was present.

5.

☐☒

Any noted deficiencies in most recent Deputy State Fire Marshalls report have been addressed.

Comments:

The Inspectors were told that the Deputy State Fire Marshall had not inspected the building. But she and the local health official had been called to schedule an inspection.

6.

☒☐

Program facilities are free from any major notable safety hazards or defects.

Comments:

No major hazards noted.

7.

☒☐

If program is required to have periodic water quality testing and septic maintenance, verify these inspections are current.

Comments:

No water inspection needed, septic system pumped annually.

8.

☒☐

Facility contains an adequately supplied first aid kit which is maintained and in good working order.

Comments:

First aid kit in staff office.

9.

☒☐

Area medications are stored in a controlled area with limited access.

Comments:

Medications are kept in locked staff room. Access to this room is limited to certain staff.

10.

☒☐

Food preparation and serving areas are adequate to ensure nutritional needs of participants are met.

Comments:

All areas appeared adequate.

11.

☒☐

Food preparation areas are operated in a clean and safe manner with all equipment, storage and serving tools in good working order.

Comments:

Equipment and tools seemed in good working order.

12. ☒ ☐ Vehicles used to transport participants and staff has emergency information contained in the vehicle. (Name, address, telephone of program and emergency phone numbers)

Comments: Emergency information was all contained in the vehicles. The vehicles used for transport of children include passenger vehicles, run kits in each vehicle that contain information on each child with release for treatment.

13. ☐ ☒ Verified if any newly constructed buildings or remodeling has been done with the last 18-24 months. If so, determine if building, plumbing and electrical permits were received and proper inspections done upon completion of project.

Comments: Building originally built as private residences, no building inspection was completed with the change of use. The Inspector's advised the program they may want to contact state building codes to determine if they need an inspection.

Administrator Interview:

1.
Y N
☒ ☐ Administrator explained policy for contraband check, including the circumstances in which searches will be conducted and the training of staff conducting search.

Comments: The program is given written authorization to conduct searches for contraband of the children. No physical search is conducted. Random tests for drugs.

2. ☒ ☐ Reviewed with Administrator at least two personnel files of employee's to verify background checks are on file and fingerprint checks have been performed.

Comments: Everything appeared to be in order.

3. ☒ ☐ Reviewed with Administrator at least two program participants files to verify they are kept within accordance of programs policy and federal and state laws for privacy.

Comments: Kept in administrative offices, limited access.

4.

☐☒

Reviewed with Administrator at least two program participant's files to verify that each has an individual treatment plan in place. (at least one different from above two)

Comments: Individual plans and therapy notes were not contained in the files, with unlicensed counselor Larry.

5.

☒☐

Review medication dispensation log to verify that kept up to date including information on missed or refused dosages and medication changes.

Comments: Medication log was current.

6.

☒☐

Verify with Administrator that copies of all professional staff certifications are maintained on the premise.

Comments: Professional staff certifications contained in the files Inspectors examined.

Staff Interviews – only one staff member available for interview:

1.

Y

N

☒☐

Staff explained definition of inappropriate and appropriate behaviors of program participants.

Comments: Inappropriate behavior was explained as not following the rules, completing chores, and schoolwork. While working within the rules and guidelines of the program was appropriate.

2.

☒☐

Staff explained acceptable and unacceptable responses to inappropriate behaviors as well as acceptable consequences to inappropriate behaviors.

Comments: Staff will speak with student if it's a minor incident or attempt to give peers opportunity to address the situation. Stated how minor things were address was up to staff judgment and the situation. Energy hours are giving which includes physical labor.

3. ☒ ☐ Staff verified training in these areas has occurred and does reoccur at least annually.

Comments: Staff is CPR or CPR wilderness trained and get on the job training for specific issues.

4. ☒ ☐ Staff verified the purpose of physical labor (not for the sole purpose of punishment).

Comments: Staff indicated that students do perform physical labor but that the purpose is for therapeutic purposes – energy hours.

5. ☒ ☐ Staff verified necessary food, clothing, bedding, rest, toilet use or bathing facilities are not denied to participants as a form of punishment.

Comments: Food, clothing and other necessities are not withheld from students.

6. ☒ ☐ Staff verified that verbal abuse, ridicule, humiliation, profanity, threats or other forms of degradation are not directed at participants or their families.

Comments: Staff indicated this type of behavior is not tolerated.

7. ☒ ☐ Staff verified denial of visits or communication with parents/guardians does not occur for the sole purpose of punishment (program guidelines, activities, plans or court orders may require short periods where communication cannot occur).

Comments: Staff explained communication not withheld, but may not go off campus until energy hours are worked off.

8. ☒ ☐ Locked confinements or placing participants in a locked room for non therapeutic purposes are not used.

Comments: Not used.

9. ☒ ☐ The administration of medication for disciplinary purposes, the convenience of staff or as a substitute for treatment services in not done.

Comments: Staff verified medication is only dispensed as prescribed.

10. ☒ ☐ Staff verified all punishment given to a participant is done with at least two staff members present.

Comments: No physical punishment occurs.

11. ☒ ☐ Physical or mental suffering including pain to force compliance does not occur.

Comments: Staff verified this does not occur.

12. ☒ ☐ The use of passive restraint is explained and falls within the program rules (only used in a situation when an imminent threat to the participant, staff or others and only by trained staff – CPI and MANDT).

Comments: Neither staff has been trained but is aware of passive restraint methods.

13. ☒ ☐ Staff explained use of short term time out for behavior modification methods employed at the facility.

Comments: Staff explained some isolation from group to think through issue and then discussions with staff to help.

14. ☒ ☐ Staff explained procedures for handling emergency situations such as suicide threat/attempt, assault or runaway.

Comments: Emergency numbers are posted, put kids "on hip" and do daily checks on how they are doing.

Participant Interviews – combined answers of two participants

1.
Y N
☒ ☐ Participant explained how staff deals with inappropriate and appropriate behaviors of program participants.

Comments: The students confirmed energy hours as explained by staff above. Students also mentioned loss of privileges such as computer and school activities. Rewards include additional privileges.

2. ☒ ☐ Participant acknowledges have access to routine and emergent medical services as needed, including mental health services.

Comments: Both students agreed services are available. Mental health services occur during regular weekly sessions and nightly group.

3. ☒ ☐ Verified participant received handbook outlining expectations and acceptable standards of the program.

Comments: Didn't receive handbook but the rules were gone through by staff and students. A rule book is kept by the phone.

4. ☒ ☐ Participant verified the purpose of physical labor (not for the sole purpose of punishment).

Comments: Students indicated that the work projects are part of their therapy and a learning experience.

5. ☒ ☐ Participant verified necessary food, clothing, bedding, rest, toilet use or bathing facilities are not denied to participants as a form of punishment.

Comments: Food is good.

6. ☒ ☐ Participant verified that verbal abuse, ridicule, humiliation, profanity, threats or other forms of degradation are not directed at participants or their families.

Comments: Does not occur.

7. ☒ ☐ Participant verified denial of visits or communication with parents/guardians does not occur for the sole purpose of punishment (program guidelines, activities, plans or court orders may require short periods where communication cannot occur).

Comments: Not as form of punishment, but may be withheld if not working the program.

8. ☒ ☐ Locked confinements or placing participants in a locked room for non therapeutic purposes are not used.

Comments: No such place.

9. ☒ ☐ The administration of medication for disciplinary purposes, the convenience of staff or as a substitute for treatment services in not done.

Comments: Does not happen.

10. ☒ ☒ Participant verified all punishment given to a participant is done with at least two staff members present. Determine if corporal punishment is used.

Comments: Physical punishment does not occur.

11. ☒ ☐ Physical or mental suffering including pain to force compliance does not occur.

Comments: Does not happen.

12. ☒ ☐ The use of passive restraint is explained and falls within the program rules (only used in a situation when an imminent threat to the participant, staff or others and only by trained staff – CPI and MANDT).

Comments: No physical.

13. ☒ ☐ Participant explained use of short term time out for behavior modification methods employed at the facility.

Comments: Time spent alone to think.

Report of Inspection

at the request of

The Private Alternative Adolescent Residential Program

Program: Galena Ridge
20 Fox Lane
Trout Creek MT

Supervising Attorney: Colleen White

Inspector: Amber Carpenter
William W. Wood

Date of Inspection: May 12, 2010

Date of Report: May 26, 2010

Site Inspection:

1.

Y

N

☒☒

Plan of operation as described in application fits with the appearance of the operation as laid out during walk through.

Comments:

Due to time constraints of this process the Inspectors did not receive a copy of the program plan of operation prior to the inspection. Therefore, the following is a narrative of the basic operation as explained to the Inspectors at the time of the inspection.

Galena Ridge is an outdoor wilderness program which operates in the summer months only.

2.

☒☐

The number of program participants is consistent with information submitted with application and provided by Administrator.

Comments:

There are no students at the program currently, but approximately 12 are scheduled for the summer.

3.

☐☒

Premise does not contain an area that could be used for corporal punishment, isolation or the ability to inflict physical pain as a disciplinary measure.

Comments:

No area was viewed. Children don't remain at base camp except to re-supply.

4.

☒☐

Review list of currently enrolled participants.

Comments:

5.

☒☐

Interview Program Director regarding responsibilities and role of Field Director to verify quality of field activities, coordinating of field operations and compliance with applicable licensing rules while in the field.

Comments:

Information obtained appeared to be in compliance.

6.

☒☐

Interview with Field Director to ensure staff members are familiar with all field program policies/procedures, field director has at least a BA or one year outdoor program experience, hold wilderness first aid and all other staff certified in first aid and CPR.

Comments: Information obtained appeared to be in compliance.

7.

☒ ☐

Verify staff training records include program policies/procedures, child abuse reporting and laws, low impact camping, confidentiality, medical protocols, and emergency procedures (suicide prevention, documentation, de-escalation of crisis situations and passive physical restraint, avoiding potential hazards of the expedition areas and emergency evacuation procedures).

Comments: All records appeared to be in order.

8.

☒ ☐

Review at least two participant's files to determine that the age of the participant's is in the range of those claimed to be served in the program outline, current health history on file for participant's including medications and physical examination by a licensed provider within 6 months..

Comments: No current students at the program, but discussed these issues with Director to verify all information if gathered as required.

9.

☒ ☐

Verify medical release forms for each participant are kept with field staff providing direct care.

Comments: No staff employed for the season yet, but verified with director that the information is kept in the field.

10.

☒ ☐

Verify participant to staff ratio does not exceed 20 participants to one staff.

Comments: Explained ratio 4 to 1.

11.

☒ ☐

Enquire as to what methods are used to ensure safe drinking water.

Comments: Program uses oxygen drops.

Report of Inspection

at the request of

The Private Alternative Adolescent Residential Program

Program: Montana Academy
9705 Lost Prairie Rd
Merion MT 59925

Supervising Attorney: Colleen White

Inspector: Amber Carpenter
William W. Wood

Date of Inspection: May 27, 2010

Date of Report: May 31, 2010

Site Inspection:

1.

Y

N

☒☐

Plan of operation as described in application fits with the appearance of the operation as laid out during walk through.

Comments:

Due to time constraints of this process the Inspectors did not receive a copy of the program plan of operation prior to the inspection. Therefore, the following is a narrative of the basic operation as explained to the Inspectors at the time of the inspection.

Montana Academy is a co-ed college preparatory school for teenagers 14 to 18 years of age. Montana Academy employs 9 clinicians, 5 counselors with PHD's and the remainder of the clinical team holds masters. Students are assigned to a team where an adult group consisting of a professional staff assists the child in working through the program for the duration of their stay. The average length of stay is one and a half years. Montana Academy also has several transition houses in Kalispell to assist those students who have completed the program transition back into a normal environment.

2.

☒☐

The number of program participants is consistent with information submitted with application and provided by Administrator.

Comments:

The program currently has 70 students in residence, 40 are boys with the remaining 30 girls.

3.

☐☒

Premise does not contain an area that could be used for corporal punishment, isolation or the ability to inflict physical pain as a disciplinary measure.

Comments:

No area was viewed. This information was confirmed through staff and participant interviews.

4.

☒☐

Buildings are equipped with fire extinguishers, emergency exits plans and smoke detectors that are placed conspicuously.

Comments: Fire extinguishers, emergency exit plans, and smoke detectors were present in all buildings. In addition fire sprinkler systems, panic hardware and pull fire alarms were present in certain buildings.

5. ☒ ☐ Any noted deficiencies in most recent Deputy State Fire Marshalls report have been addressed.

Comments: Deputy State Fire Marshall is by the facility yearly, no noted deficiencies in the most recent report.

6. ☒ ☐ Program facilities are free from any major notable safety hazards or defects.

Comments: No noted hazards.

7. ☒ ☐ If program is required to have periodic water quality testing and septic maintenance, verify these inspections are current.

Comments: Septic system pumped on a schedule, water testing is done monthly.

8. ☒ ☐ Facility contains an adequately supplied first aid kit which is maintained and in good working order.

Comments: First aid kit in main building, each dorm, and all vehicles. All staff are CPR/First Aid or Wilderness First Aid.

9. ☒ ☐ Area medications are stored in a controlled area with limited access.

Comments: Medications are kept in locked med room, inside locked cabinet.

10. ☒ ☐ Food preparation and serving areas are adequate to ensure nutritional needs of participants are met.

Comments: All areas appeared adequate. Food is prepared by contract food service provider.

11.

☒☐

Food preparation areas are operated in a clean and safe manner with all equipment, storage and serving tools in good working order.

Comments: All areas appeared clean. Equipment and tools seemed in good working order.

12.

☒☐

Vehicles used to transport participants and staff has emergency information contained in the vehicle. (Name, address, telephone of program and emergency phone numbers)

Comments: Emergency information is contained in the vehicles.

13.

☒☐

Verified if any newly constructed buildings or remodeling has been done with the last 18-24 months. If so, determine if building, plumbing and electrical permits were received and proper inspections done upon completion of project.

Comments: No recent construction.

Administrator Interview:

1.

Y

N

☒☐

Administrator explained policy for contraband check, including the circumstances in which searches will be conducted and the training of staff conducting search.

Comments: The program is given written authorization to conduct searches for contraband of the children. No physical search is conducted. Most students come from wilderness so this is not generally an issue.

2.

☒☐

Reviewed with Administrator at least two personnel files of employee's to verify background checks are on file and fingerprint checks have been performed.

Comments: All personnel files appeared in order.

3.

☒☐

Reviewed with Administrator at least two program participants files to verify they are kept within accordance of programs policy and federal and state laws for privacy.

Comments: Kept in administrative offices, limited access.

4.
☒ ☐ Reviewed with Administrator at least two program participant's files to verify that each has an individual treatment plan in place. (at least one different from above two)

Comments: Individual plans and therapy notes were contained in the files and/or computer.

5.
☒ ☐ Review medication dispensation log to verify that kept up to date including information on missed or refused dosages and medication changes.

Comments: Medication log was current.

6.
☒ ☐ Verify with Administrator that copies of all professional staff certifications are maintained on the premise.

Comments: Professional staff certifications kept in staff files.

Staff Interviews – combined answers of two staff:

1.
Y N
☒ ☐ Staff explained definition of inappropriate and appropriate behaviors of program participants.

Comments: Inappropriate behavior was explained as not following the rules or not completing school work or therapy as assigned. While working within the rules and guidelines of the program was appropriate. Staff explained use of several stages of therapy referred to as "Clans".

2.
☒ ☐ Staff explained acceptable and unacceptable responses to inappropriate behaviors as well as acceptable consequences to inappropriate behaviors.

Comments: Depends on the situation, something minor may require push up. Treatment teams communicate on issues that may have a cross over affect and may affect "clan" movement.

3. ☒ ☐ Staff verified training in these areas has occurred and does reoccur at least annually.

Comments: Staff training occurs weekly for specific issues as needed in addition to all the CPR, etc.

4. ☒ ☐ Staff verified the purpose of physical labor (not for the sole purpose of punishment).

Comments: Staff indicated that students do perform physical labor but that the purpose is for working through their issues or give back to the community.

5. ☒ ☐ Staff verified necessary food, clothing, bedding, rest, toilet use or bathing facilities are not denied to participants as a form of punishment.

Comments: Food, clothing and other necessities are not withheld from students

6. ☒ ☐ Staff verified that verbal abuse, ridicule, humiliation, profanity, threats or other forms of degradation are not directed at participants or their families.

Comments: Staff indicated this type of behavior is not tolerated.

7. ☒ ☐ Staff verified denial of visits or communication with parents/guardians does not occur for the sole purpose of punishment (program guidelines, activities, plans or court orders may require short periods where communication cannot occur).

Comments: Staff explained communication not withheld for punishment.

8. ☒ ☐ Locked confinements or placing participants in a locked room for non therapeutic purposes are not used.

Comments: Not used.

9. ☒ ☐ The administration of medication for disciplinary purposes, the convenience of staff or as a substitute for treatment services in not done.

Comments: Staff verified medication is only dispensed as prescribed.

10. ☒ ☐ Staff verified all punishment given to a participant is done with at least two staff members present.

Comments: No physical punishment occurs.

11. ☒ ☐ Physical or mental suffering including pain to force compliance does not occur.

Comments: Staff verified this does not occur.

12. ☒ ☒ The use of passive restraint is explained and falls within the program rules (only used in a situation when an imminent threat to the participant, staff or others and only by trained staff – CPI and MANDT).

Comments: One Staff indicated never witnessed need for it other stated trained in CPI and there are 2 CPI trainers on staff.

13. ☒ ☐ Staff explained use of short term time out for behavior modification methods employed at the facility.

Comments: Does not occur often.

14. ☒ ☐ Staff explained procedures for handling emergency situations such as suicide threat/attempt, assault or runaway.

Comments: Runaway protocol with runaway packets containing info on kids and who to contact. Someone follows the child to make sure they are safe. Do not talk them into the car, must be there decision to return to school.

Participant Interviews – combined answers of two participants

1.

Y

N

☒☐

Participant explained how staff deals with inappropriate and appropriate behaviors of program participants.

Comments:

The students confirmed push ups and requirements to do extra chores (drudgery). Stated staff is focused on the well being of the community and on the underlying issues that make someone act out. Additionally one student mentioned they may be given a 24 hour privilege freeze.

2.

☒☐

Participant acknowledges have access to routine and emergent medical services as needed, including mental health services.

Comments:

Both students agreed services are available.

3.

☒☐

Verified participant received handbook outlining expectations and acceptable standards of the program.

Comments:

Both agreed they received a handbook and assigned a big brother or sister who helped them to learn how things worked.

4.

☒☐

Participant verified the purpose of physical labor (not for the sole purpose of punishment).

Comments:

Students indicated that physical work is designed to help work through issues and give back to the community as well as time to focus and think.

5.

☒☐

Participant verified necessary food, clothing, bedding, rest, toilet use or bathing facilities are not denied to participants as a form of punishment.

Comments:

Food is good.

6.

☒☐

Participant verified that verbal abuse, ridicule, humiliation, profanity, threats or other forms of degradation are not directed at participants or their families.

Comments:

Does not occur.

7. ☒ ☐ Participant verified denial of visits or communication with parents/guardians does not occur for the sole purpose of punishment (program guidelines, activities, plans or court orders may require short periods where communication cannot occur).

Comments: Students get weekly calls based on clan status.

8. ☒ ☐ Locked confinements or placing participants in a locked room for non therapeutic purposes are not used.

Comments: No such place.

9. ☒ ☐ The administration of medication for disciplinary purposes, the convenience of staff or as a substitute for treatment services in not done.

Comments: Does not happen.

10. ☒ ☒ Participant verified all punishment given to a participant is done with at least two staff members present. Determine if corporal punishment is used.

Comments: Physical punishment does not occur.

11. ☒ ☐ Physical or mental suffering including pain to force compliance does not occur.

Comments: Does not happen.

12. ☒ ☐ The use of passive restraint is explained and falls within the program rules (only used in a situation when an imminent threat to the participant, staff or others and only by trained staff – CPI and MANDT).

Comments: Students indicated never witnessed a need for this.

13. ☒ ☐ Participant explained use of short term time out for behavior modification methods employed at the facility.

Comments: Kids may ask for time if needed but social isolation may also occur where you can't interact with others because of attitude. This is not common.

Report of Inspection

at the request of

The Private Alternative Adolescent Residential Program

Program: Mountain Meadows (20 Peaks Ranch)
396 Big Beaver Creek Rd
Trout Creek MT

Supervising Attorney: Colleen White

Inspector: Amber Carpenter
William W. Wood

Date of Inspection: May 12, 2010

Date of Report: May 26, 2010

Site Inspection:

1.

Y

N

☒☐

Plan of operation as described in application fits with the appearance of the operation as laid out during walk through.

Comments:

Due to time constraints of this process the Inspectors did not receive a copy of the program plan of operation prior to the inspection. Therefore, the following is a narrative of the basic operation as explained to the Inspectors at the time of the inspection.

Mountain Meadow is an alternative residential home for troubled teenage boys. The majority of the boys in the program attend the local public schools. Currently two boys are being home schooled through an on line accredited program. The boys range in age from 13 to 17 years of age. The boys go to the Galena Ridge outdoor program during the summer months, therefore Mountain Meadow only operates 9 months out of the year. The parents contract separately with therapist currently out of Sand Point, Idaho. The therapist is Christine Armstrong and is licensed only in Idaho.

2.

☒☐

The number of program participants is consistent with information submitted with application and provided by Administrator.

Comments:

9 students are in residence at this time.

3.

☐☒

Premise does not contain an area that could be used for corporal punishment, isolation or the ability to inflict physical pain as a disciplinary measure.

Comments:

No area was viewed.

4.

☒☐

Buildings are equipped with fire extinguishers, emergency exits plans and smoke detectors that are placed conspicuously.

Comments:

Everything required was present.

5.

☐☒

Any noted deficiencies in most recent Deputy State Fire Marshalls report have been addressed.

Comments: The Inspectors were told that the Deputy State Fire Marshall had not inspected the building. But the house was built in 2009 and electrical and plumbing inspections occurred prior to moving in October 2009.

6. ☒ ☐ Program facilities are free from any major notable safety hazards or defects.

Comments: No major hazards noted.

7. ☒ ☐ If program is required to have periodic water quality testing and septic maintenance, verify these inspections are current.

Comments: No water inspection needed, septic system pumped annually. New septic system installed with building.

8. ☒ ☐ Facility contains an adequately supplied first aid kit which is maintained and in good working order.

Comments: First aid kit in house and cars.

9. ☒ ☐ Area medications are stored in a controlled area with limited access.

Comments: Medications are kept in locked room. Access to this room is limited.

10. ☒ ☐ Food preparation and serving areas are adequate to ensure nutritional needs of participants are met.

Comments: All areas appeared adequate.

11. ☒ ☐ Food preparation areas are operated in a clean and safe manner with all equipment, storage and serving tools in good working order.

Comments: Equipment and tools seemed in good working order.

12. ☒ ☐ Vehicles used to transport participants and staff has emergency information contained in the vehicle. (Name, address, telephone of program and emergency phone numbers)

Comments: Emergency information was all contained in the vehicles. The vehicles used for transport of children include passenger vehicles, each vehicle contains information on each child with release for treatment.

13.

☐☒

Verified if any newly constructed buildings or remodeling has been done with the last 18-24 months. If so, determine if building, plumbing and electrical permits were received and proper inspections done upon completion of project.

Comments: Building originally built as private residences, no building inspection was completed with the change of use. The Inspector's advised the program they may want to contact state building codes to determine if they need an inspection.

Administrator Interview:

1.

Y

N

☒☐

Administrator explained policy for contraband check, including the circumstances in which searches will be conducted and the training of staff conducting search.

Comments: The program is given written authorization to conduct searches for contraband of the children. No physical search is conducted.

2.

☒☐

Reviewed with Administrator at least two personnel files of employee's to verify background checks are on file and fingerprint checks have been performed.

Comments: Only staff members are Joe and Marilyn and their son and daughter-in-law. They are all members of the corporation and not paid staff. Fingerprint background checks have been sent off for the four of them.

3.

☒☐

Reviewed with Administrator at least two program participants files to verify they are kept within accordance of programs policy and federal and state laws for privacy.

Comments: Kept in administrative offices, limited access.

4.

☐☒

Reviewed with Administrator at least two program participant's files to verify that each has an individual treatment plan in place. (at least one different from above two)

Comments: Individual plans and therapy notes were not contained in the files, with contract therapist Christine. Christine given authorization from parents to discuss details of sessions with program.

5. ☒ ☐ Review medication dispensation log to verify that kept up to date including information on missed or refused dosages and medication changes.

Comments: Medication log was current.

6. ☒ ☐ Verify with Administrator that copies of all professional staff certifications are maintained on the premise.

Comments: Staff does not have personnel files and no professional certifications as far as Inspectors could tell.

Staff Interviews – no staff members available for interview, asked Jo/Marilyn:

1. Y N
☒ ☐ Staff explained definition of inappropriate and appropriate behaviors of program participants.

Comments: Inappropriate behavior was explained as not following the rules, completing chores, and schoolwork. While working within the rules and guidelines of the program was appropriate.

2. ☒ ☐ Staff explained acceptable and unacceptable responses to inappropriate behaviors as well as acceptable consequences to inappropriate behaviors.

Comments: Staff will speak with student if it's a minor incident. Time spent going solo outside in shelter in the field with more major issues.

3. ☒ ☐ Staff verified training in these areas has occurred and does reoccur at least annually.

Comments: Jo is CPR trained.

4.

☐

Staff verified the purpose of physical labor (not for the sole purpose of punishment).

Comments: Indicated that students do perform physical labor but that the purpose is for therapeutic purposes.

5.

☐

Staff verified necessary food, clothing, bedding, rest, toilet use or bathing facilities are not denied to participants as a form of punishment.

Comments: Food, clothing and other necessities are not withheld from students.

6.

☐

Staff verified that verbal abuse, ridicule, humiliation, profanity, threats or other forms of degradation are not directed at participants or their families.

Comments: Indicated this type of behavior is not tolerated.

7.

☐

Staff verified denial of visits or communication with parents/guardians does not occur for the sole purpose of punishment (program guidelines, activities, plans or court orders may require short periods where communication cannot occur).

Comments: Explained communication not withheld.

8.

☐

Locked confinements or placing participants in a locked room for non therapeutic purposes are not used.

Comments: Not used.

9.

☐

The administration of medication for disciplinary purposes, the convenience of staff or as a substitute for treatment services is not done.

Comments: Medication is only dispensed as prescribed.

10.

☒ ☐ Staff verified all punishment given to a participant is done with at least two staff members present.

Comments: No physical punishment occurs.

11. ☒ ☐ Physical or mental suffering including pain to force compliance does not occur.

Comments: Verified this does not occur.

12. ☒ ☐ The use of passive restraint is explained and falls within the program rules (only used in a situation when an imminent threat to the participant, staff or others and only by trained staff – CPI and MANDT).

Comments: Neither has been trained but is aware of passive restraint methods.

13. ☒ ☐ Staff explained use of short term time out for behavior modification methods employed at the facility.

Comments: Explained some isolation from group to think through issue and then discussions with staff to help.

14. ☒ ☐ Staff explained procedures for handling emergency situations such as suicide threat/attempt, assault or runaway.

Comments: Emergency policy followed.

Participant Interviews – All children, except for two, were in public school at the time of the inspection. The two home school children were off on a field trip. The Inspector's were not able to interview any participants.

Report of Inspection

at the request of

The Private Alternative Adolescent Residential Program

Program: Monarch School
26 Aspen Lane
Heron MT 59844

Supervising Attorney: Colleen White

Inspector: Amber Carpenter
William W. Wood

Date of Inspection: May 27, 2010

Date of Report: May 31, 2010

Site Inspection:

1.

Y

N

☒☒

Plan of operation as described in application fits with the appearance of the operation as laid out during walk through.

Comments:

Due to time constraints of this process the Inspectors did not receive a copy of the program plan of operation prior to the inspection. Therefore, the following is a narrative of the basic operation as explained to the Inspectors at the time of the inspection.

Monarch School is a co-ed college preparatory school for teenagers 14 to 17 year of age. Most students that attend Monarch are having difficulty at home and school due to adoption, drugs, or self esteem issues. They are a full vocational high school with certified teachers that offer school 12 months out of the year in an effort to assist students who may have gotten behind. Most students come into the program only after completing a wilderness program. The average stay for a student is 16 months.

2.

☒☐

The number of program participants is consistent with information submitted with application and provided by Administrator.

Comments:

The program currently has 52 students in residence, 70% are boys with the remaining 30% girls.

3.

☐☒

Premise does not contain an area that could be used for corporal punishment, isolation or the ability to inflict physical pain as a disciplinary measure.

Comments:

No area was viewed. This information was confirmed through staff and participant interviews.

4.

☒☐

Buildings are equipped with fire extinguishers, emergency exits plans and smoke detectors that are placed conspicuously.

Comments:

Fire extinguishers, emergency exit plans, and smoke detectors were present in all buildings. In addition fire sprinkler systems and pull fire alarms were present in the buildings.

5. ☐ ☒ Any noted deficiencies in most recent Deputy State Fire Marshalls report have been addressed.

Comments: Deputy State Fire Marshall has been by the facility but did not stay to inspect as management was not available to speak with her when she arrived. Ron noted he would be contacting her to re-schedule her visit.

6. ☒ ☐ Program facilities are free from any major notable safety hazards or defects.

Comments: No noted hazards.

7. ☒ ☐ If program is required to have periodic water quality testing and septic maintenance, verify these inspections are current.

Comments: Septic system pumped on a schedule which is generally monthly, water testing is done semi-annually.

8. ☒ ☐ Facility contains an adequately supplied first aid kit which is maintained and in good working order.

Comments: First aid kit in staff office, each house, and all vehicles.

9. ☒ ☐ Area medications are stored in a controlled area with limited access.

Comments: Medications are kept in locked staff room, inside locked cabinet . A part time staff nurse or therapist dispense medications as prescribed.

10. ☒ ☐ Food preparation and serving areas are adequate to ensure nutritional needs of participants are met.

Comments: All areas appeared adequate. Food is prepared by staff chef. Students rotate to assist in clean up.

11.

- ☒ ☐ Food preparation areas are operated in a clean and safe manner with all equipment, storage and serving tools in good working order.

Comments: All areas appeared clean. Equipment and tools seemed in good working order.

12. ☒ ☐ Vehicles used to transport participants and staff has emergency information contained in the vehicle. (Name, address, telephone of program and emergency phone numbers)

Comments: Emergency information was all contained in the vehicles as well as medical information on children.

13. ☒ ☐ Verified if any newly constructed buildings or remodeling has been done with the last 18-24 months. If so, determine if building, plumbing and electrical permits were received and proper inspections done upon completion of project.

Comments: No recent construction.

Administrator Interview:

1.
Y N
☒ ☐ Administrator explained policy for contraband check, including the circumstances in which searches will be conducted and the training of staff conducting search.

Comments: The program is given written authorization to conduct searches for contraband of the children. All of the belongings are gone through at the time they arrive by house staff. No physical search is conducted. Most students come from wilderness so this is not generally an issue.

2. ☒ ☐ Reviewed with Administrator at least two personnel files of employee's to verify background checks are on file and fingerprint checks have been performed.

Comments: All personnel files appeared in order.

3. ☒ ☐ Reviewed with Administrator at least two program participants files to verify they are kept within accordance of programs policy and federal and state laws for privacy.

Comments: Kept in administrative offices, limited access.

4.
☒ ☐ Reviewed with Administrator at least two program participant's files to verify that each has an individual treatment plan in place. (at least one different from above two)

Comments: Individual plans and therapy notes were contained in the files.

5.
☒ ☐ Review medication dispensation log to verify that kept up to date including information on missed or refused dosages and medication changes.

Comments: Medication log was current.

6.
☒ ☐ Verify with Administrator that copies of all professional staff certifications are maintained on the premise.

Comments: Professional staff certifications kept in staff files.

Staff Interviews – combined answers of two staff:

1.
Y N
☒ ☐ Staff explained definition of inappropriate and appropriate behaviors of program participants.

Comments: Inappropriate behavior was explained as not following the rules or not completing school work or therapy as assigned. While working within the rules and guidelines of the program was appropriate.

2.
☒ ☐ Staff explained acceptable and unacceptable responses to inappropriate behaviors as well as acceptable consequences to inappropriate behaviors.

Comments: Students generally are spoken to and given a warning asking for students agreement to not continue with the specific behavior. If it continues they may be given a work assignment which could be written or physical depending on the situation. If the

student takes away from the safety or functioning of the school they give back to the school in return. Helps to learn good community behaviors. Serious issues may affect steps within the program (1 through 5).

3.



Staff verified training in these areas has occurred and does reoccur at least annually.

Comments:

Staff training occurs twice a month for staff who deal directly with kids. Staff is required to read handbook every year.

4.



Staff verified the purpose of physical labor (not for the sole purpose of punishment).

Comments:

Staff indicated that students do perform physical labor but that the purpose is for working through their issues or give back to the community.

5.



Staff verified necessary food, clothing, bedding, rest, toilet use or bathing facilities are not denied to participants as a form of punishment.

Comments:

Food, clothing and other necessities are not withheld from students

6.



Staff verified that verbal abuse, ridicule, humiliation, profanity, threats or other forms of degradation are not directed at participants or their families.

Comments:

Staff indicated this type of behavior is not tolerated.

7.



Staff verified denial of visits or communication with parents/guardians does not occur for the sole purpose of punishment (program guidelines, activities, plans or court orders may require short periods where communication cannot occur).

Comments:

Staff explained communication not withheld for punishment.

8.



Locked confinements or placing participants in a locked room for non therapeutic purposes are not used.

Comments:

Not used.

9.



The administration of medication for disciplinary purposes, the convenience of staff or as a substitute for treatment services is not done.

Comments: Staff verified medication is only dispensed as prescribed.

10.

☐

Staff verified all punishment given to a participant is done with at least two staff members present.

Comments: No physical punishment occurs.

11.

☐

Physical or mental suffering including pain to force compliance does not occur.

Comments: Staff verified this does not occur.

12.



The use of passive restraint is explained and falls within the program rules (only used in a situation when an imminent threat to the participant, staff or others and only by trained staff – CPI and MANDT).

Comments: Staff indicated never witnessed need for it, both staff randomly chosen to don't deal directly with kids and therefore are not trained in either.

13.

☐

Staff explained use of short term time out for behavior modification methods employed at the facility.

Comments: Staff explained students may be set on a bench in the lodge.

14.

☐

Staff explained procedures for handling emergency situations such as suicide threat/attempt, assault or runaway.

Comments: Emergency numbers are posted, may be placed within site and sound of staff. Recent training for suicide prevention occurred.

Participant Interviews – combined answers of two participants

1.

Y

N

☒☐

Participant explained how staff deals with inappropriate and appropriate behaviors of program participants.

Comments:

The students confirmed steps and requirements to do extra chores. Additionally both students mentioned they may be restricted from associating with certain people if they have a bad attitude they may negatively affect others. Appropriate behavior results in increase in steps and more trust/privileges with staff.

2.

☒☐

Participant acknowledges have access to routine and emergent medical services as needed, including mental health services.

Comments:

Both students agreed services are available.

3.

☒☐

Verified participant received handbook outlining expectations and acceptable standards of the program.

Comments:

Both agreed they received a handbook and assigned a big brother or sister who helped them to learn how things worked.

4.

☒☐

Participant verified the purpose of physical labor (not for the sole purpose of punishment).

Comments:

Students indicated that physical work is designed to help work through issues and give back to the community.

5.

☒☐

Participant verified necessary food, clothing, bedding, rest, toilet use or bathing facilities are not denied to participants as a form of punishment.

Comments:

Food is good.

6.

☒ ☐ Participant verified that verbal abuse, ridicule, humiliation, profanity, threats or other forms of degradation are not directed at participants or their families.

Comments: Does not occur.

7.
☒ ☐ Participant verified denial of visits or communication with parents/guardians does not occur for the sole purpose of punishment (program guidelines, activities, plans or court orders may require short periods where communication cannot occur).

Comments: Students get weekly calls, may be supervised by therapist.

8.
☒ ☐ Locked confinements or placing participants in a locked room for non therapeutic purposes are not used.

Comments: No such place.

9.
☒ ☐ The administration of medication for disciplinary purposes, the convenience of staff or as a substitute for treatment services in not done.

Comments: Does not happen.

10.
☒ ☒ Participant verified all punishment given to a participant is done with at least two staff members present. Determine if corporal punishment is used.

Comments: Physical punishment does not occur.

11.
☒ ☐ Physical or mental suffering including pain to force compliance does not occur.

Comments: Does not happen.

12.
☒ ☐ The use of passive restraint is explained and falls within the program rules (only used in a situation when an imminent threat to the participant, staff or others and only by trained staff – CPI and MANDT).

Comments: Students indicated never witnessed a need for this, but assumed student would get sent back to wilderness.

13.

☐

Participant explained use of short term time out for behavior modification methods employed at the facility.

Comments: May have to sit at table in main hall.

Report of Inspection

at the request of

The Private Alternative Adolescent Residential Program

Program: New Horizons Youth Ranch
6442 W Kootenai Rd
Rexford MT 59930

Supervising Attorney: Colleen White

Inspector: Amber Carpenter
William W. Wood

Date of Inspection: May 26, 2010

Date of Report: May 27, 2010

Site Inspection:

1.

Y

N

☒☐

Plan of operation as described in application fits with the appearance of the operation as laid out during walk through.

Comments:

Due to time constraints of this process the Inspectors did not receive a copy of the program plan of operation prior to the inspection. Therefore, the following is a narrative of the basic operation as explained to the Inspectors at the time of the inspection.

New Horizons Youth Ranch is a alternative residential program for boys. The students at the Youth Ranch have issues with ADD/ADHD, drugs, self esteem and fetal alcohol syndrome. The Youth Ranch is set up family style with low population to keep it personal and individualized. The program is a non-denominational Christian program. There are approximately 8 staff and one contract counselor. There are no professionally licensed or certified staff at the Youth Ranch, except for the one certified teacher.

2.

☒☐

The number of program participants is consistent with information submitted with application and provided by Administrator.

Comments:

The programs has 12 boys are in residence at this time.

3.

☐☒

Premise does not contain an area that could be used for corporal punishment, isolation or the ability to inflict physical pain as a disciplinary measure.

Comments:

No area was viewed. This information was confirmed through staff and participant interviews.

4.

☒☒

Buildings are equipped with fire extinguishers, emergency exits plans and smoke detectors that are placed conspicuously.

Comments:

Fire extinguishers and smoke detectors were present in the house. No emergency exit plans were posted.

5.
☐



Any noted deficiencies in most recent Deputy State Fire Marshalls report have been addressed.

Comments: Deputy State Fire Marshall has not inspected the facilities.

6.



Program facilities are free from any major notable safety hazards or defects.

Comments: Old wiring from smoke detector at bottom of stairs hanging out from ceiling. Smoke detector missing batteries in basement . Cleaning supplies and bathroom supplies are kept in locked cabinets.

7.



If program is required to have periodic water quality testing and septic maintenance, verify these inspections are current.

Comments: Septic system pumped annually, no water quality testing needed.

8.



Facility contains an adequately supplied first aid kit which is maintained and in good working order.

Comments: First aid kit in staff office.

9.



Area medications are stored in a controlled area with limited access.

Comments: Medications are kept in locked room.

10.



Food preparation and serving areas are adequate to ensure nutritional needs of participants are met.

Comments: All areas appeared adequate. Food is prepared by staff cook and clean up is done by boys.

11.



Food preparation areas are operated in a clean and safe manner with all equipment, storage and serving tools in good working order.

Comments: All areas appeared clean. Equipment and tools seemed in good working order.

12. ☒ ☐ Vehicles used to transport participants and staff has emergency information contained in the vehicle. (Name, address, telephone of program and emergency phone numbers)

Comments: Emergency information was all contained in the vehicles.

13. ☐ ☒ Verified if any newly constructed buildings or remodeling has been done with the last 18-24 months. If so, determine if building, plumbing and electrical permits were received and proper inspections done upon completion of project.

Comments: No building permits in place, remodeling construction occurring in basement.

Administrator Interview:

1.
Y N
☒ ☐ Administrator explained policy for contraband check, including the circumstances in which searches will be conducted and the training of staff conducting search.

Comments: The program is given written authorization to conduct searches for contraband of the children. All of the belongings are gone through at the time they arrive. No physical search is conducted.

2. ☐ ☒ Reviewed with Administrator at least two personnel files of employee's to verify background checks are on file and fingerprint checks have been performed.

Comments: Did not have any personnel files.

3. ☒ ☐ Reviewed with Administrator at least two program participants files to verify they are kept within accordance of programs policy and federal and state laws for privacy.

Comments: Kept in administrative offices, limited access.

4. ☐ ☒ Reviewed with Administrator at least two program participant's files to verify that each has an individual treatment plan in place. (at least one different from above two)

Comments: Individual plans and therapy notes were not contained in the files, maintained on counselor's computer – not available for viewing.

5. ☒ ☐ Review medication dispensation log to verify that kept up to date including information on missed or refused dosages and medication changes.

Comments: Medication log was current.

6. ☒ ☒ Verify with Administrator that copies of all professional staff certifications are maintained on the premise.

Comments: Professional staff certifications do not exist, except for teacher and CPR. No staff files to view.

Staff Interviews – combined answers of two staff:

1. Y N
☒ ☐ Staff explained definition of inappropriate and appropriate behaviors of program participants.

Comments: Inappropriate behavior was explained as not following the rules or inappropriate physical conduct (fighting). While working within the rules and guidelines of the program was appropriate.

2. ☒ ☐ Staff explained acceptable and unacceptable responses to inappropriate behaviors as well as acceptable consequences to inappropriate behaviors.

Comments: Students suffer consequences for not following rules through a points system. Students may also be assigned additional physical exercise (push ups), chores or duties.

3. ☒ ☐ Staff verified training in these areas has occurred and does reoccur at least annually.

Comments: Staff goes through on the job training, all staff required to be CPR/First Aid trained.
Have MANDT training scheduled.

4.

☐

Staff verified the purpose of physical labor (not for the sole purpose of punishment).

Comments: Staff indicated that students do perform physical labor but that the purpose is for
developing work ethic, build self esteem, and learn consequences go with certain
actions.

5.

☐

Staff verified necessary food, clothing, bedding, rest, toilet use or bathing facilities are not denied to participants as a form of punishment.

Comments: Food, clothing and other necessities are not withheld from students

6.

☐

Staff verified that verbal abuse, ridicule, humiliation, profanity, threats or other forms of degradation are not directed at participants or their families.

Comments: Staff indicated this type of behavior is not tolerated.

7.

☐

Staff verified denial of visits or communication with parents/guardians does not occur for the sole purpose of punishment (program guidelines, activities, plans or court orders may require short periods where communication cannot occur).

Comments: Staff explained communication not withheld for punishment.

8.

☐

Locked confinements or placing participants in a locked room for non therapeutic purposes are not used.

Comments: Not used.

9.

☐

The administration of medication for disciplinary purposes, the convenience of staff or as a substitute for treatment services is not done.

Comments: Staff verified medication is only dispensed as prescribed.

10.

☒ ☐ Staff verified all punishment given to a participant is done with at least two staff members present.

Comments: No physical punishment occurs.

11. ☒ ☐ Physical or mental suffering including pain to force compliance does not occur.

Comments: Staff verified this does not occur.

12. ☒ ☐ The use of passive restraint is explained and falls within the program rules (only used in a situation when an imminent threat to the participant, staff or others and only by trained staff – CPI and MANDT).

Comments: Staff is scheduled for MANDT training.

13. ☒ ☐ Staff explained use of short term time out for behavior modification methods employed at the facility.

Comments: Staff explained students may be sent to the room.

14. ☒ ☐ Staff explained procedures for handling emergency situations such as suicide threat/attempt, assault or runaway.

Comments: Emergency numbers are posted, may be placed on "staff shadow".

Participant Interviews – combined answers of two participants

1.
Y N
☒ ☐ Participant explained how staff deals with inappropriate and appropriate behaviors of program participants.

Comments: The students confirmed levels, loss of privileges and push-ups. Appropriate behavior results in increase in levels and more trust/privileges with staff.

2. ☒ ☐ Participant acknowledges have access to routine and emergent medical services as needed, including mental health services.

Comments: Both students agreed services are available.

3. ☒ ☐ Verified participant received handbook outlining expectations and acceptable standards of the program.

Comments: Both agreed they received a handbook.

4. ☒ ☐ Participant verified the purpose of physical labor (not for the sole purpose of punishment).

Comments: Students indicated that the work projects are community work projects and to help work through issues.

5. ☒ ☐ Participant verified necessary food, clothing, bedding, rest, toilet use or bathing facilities are not denied to participants as a form of punishment.

Comments: Food is good.

6. ☒ ☐ Participant verified that verbal abuse, ridicule, humiliation, profanity, threats or other forms of degradation are not directed at participants or their families.

Comments: Does not occur.

7. ☒ ☐ Participant verified denial of visits or communication with parents/guardians does not occur for the sole purpose of punishment (program guidelines, activities, plans or court orders may require short periods where communication cannot occur).

Comments: Students get weekly calls.

8. ☒ ☐ Locked confinements or placing participants in a locked room for non therapeutic purposes are not used.

Comments: No such place.

9.

☐

The administration of medication for disciplinary purposes, the convenience of staff or as a substitute for treatment services in not done.

Comments: Does not happen.

10.



Participant verified all punishment given to a participant is done with at least two staff members present. Determine if corporal punishment is used.

Comments: Physical punishment does not occur.

11.

☐

Physical or mental suffering including pain to force compliance does not occur.

Comments: Does not happen.

12.

☐

The use of passive restraint is explained and falls within the program rules (only used in a situation when an imminent threat to the participant, staff or others and only by trained staff – CPI and MANDT).

Comments: Students indicated never witnessed a need for this.

13.

☐

Participant explained use of short term time out for behavior modification methods employed at the facility.

Comments: Boys are sent to their room sometimes.

Report of Inspection

at the request of

The Private Alternative Adolescent Residential Program

Program:	Ranch for Kids PO Box 790 3964 Indian Creek Rd Eureka MT 59917
Supervising Attorney:	Colleen White
Inspector:	Amber Carpenter William W. Wood
Date of Inspection:	April 20, 2010
Date of Report:	May 6, 2010

Site Inspection:

1.

Y

N

☒☐

Plan of operation as described in application fits with the appearance of the operation as laid out during walk through.

Comments:

Due to time constraints of this process the Inspectors did not receive a copy of the program plan of operation prior to the inspection. Therefore, the following is a narrative of the basic operation as explained to the Inspectors at the time of the inspection.

The Ranch for Kids (Ranch) is a home(s) for at risk adopted children (mainly international) who are having difficulty transitioning into their new adopted families and culture. There are no certified trained therapists or counselors on staff at the Ranch, all therapy services are contracted for separately by the parents with local therapist. The Ranch does not take teenage boys any longer. The current population served is teenage girls which are all housed at the Deep Springs Ranch location and younger boys and girls which are housed at the Pinkham Ranch location. The children are all bused from the ranches to the Rexford School. The Rexford School is operated as an off-site school attached to the Eureka Public School System.

2.

☒☐

The number of program participants is consistent with information submitted with application and provided by Administrator.

Comments:

The average number of children at both locations has been 28 for 2010.

3.

☐☒

Premise does not contain an area that could be used for corporal punishment, isolation or the ability to inflict physical pain as a disciplinary measure.

Comments:

No area was viewed. This information was confirmed through staff and participant interviews.

4.

☒☐

Buildings are equipped with fire extinguishers, emergency exits plans and smoke detectors that are placed conspicuously.

Comments: The Rexford School building contained all these items. The main house building at Deep Springs contained all these items. The houses at Pinkham did not have emergency exit plans posted that were conspicuous to the inspectors.

5.



Any noted deficiencies in most recent Deputy State Fire Marshalls report have been addressed.

Comments: Deputy State Fire Marshall has inspected the Rexford School building and all discrepancies have been addressed. The Fire Marshall has not been invited to inspect the ranch locations.

6.



Program facilities are free from any major notable safety hazards or defects.

Comments: While performing the site walk through staff was in the process of cleaning the wood stove chimneys of the main house at the Deep Springs location. The staff was overheard telling Mr. Sutley that he didn't believe the chimneys had ever been cleaned. Proof of regular chimney cleaning may be needed for the future.

7.



If program is required to have periodic water quality testing and septic maintenance, verify these inspections are current.

Comments: All Current.

8.



Facility contains an adequately supplied first aid kit which is maintained and in good working order.

Comments: First aid kits viewed at the Rexford School, Deep Springs location and school bus all appeared in good working order.

9.



Area medications are stored in a controlled area with limited access.

Comments: Medications are dispensed by house parent.

10.



Food preparation and serving areas are adequate to ensure nutritional needs of participants are met.

Comments: All areas appeared adequate.

11.

☐

Food preparation areas are operated in a clean and safe manner with all equipment, storage and serving tools in good working order.

Comments: All areas appeared clean. Equipment and tools seemed in good working order. The Inspectors visited the Deep Springs location and viewed the food service for all the teenage girls at Mr. Sutleys home/office which appeared ample.

12.

☐

Vehicles used to transport participants and staff has emergency information contained in the vehicle. (Name, address, telephone of program and emergency phone numbers)

Comments: Emergency information was all contained in the vehicles. The vehicles used by the Ranch for transport of children include a 16 passenger van and a 26 passenger bus. These vehicles are not inspected for safety and maintenance as a commercial vehicle and are not driven by a person who holds a Commercial Driver's License (CDL) as required.

13.



Verified if any newly constructed buildings or remodeling has been done with the last 18-24 months. If so, determine if building, plumbing and electrical permits were received and proper inspections done upon completion of project.

Comments: Several buildings at the Deep Springs location have been newly constructed. The original ranch house at Pinkham Creek which houses seven of the younger boys and girls (Mrs. Pecora is the house parent here) has recently been through remodeling. A newly constructed home and garage has also been constructed at Pinkham (Mrs. Sterkel is the house parent there) which houses several of the younger children as well. Staff informed the Inspectors that no building permits had been obtained for any of the new construction or change of use to these buildings. No building inspections have occurred at any of these locations.

Administrator Interview:

1.

Y

N

☒☐

Administrator explained policy for contraband check, including the circumstances in which searches will be conducted and the training of staff conducting search.

Comments:

Ms. Sterkel and Mr. Sutley explained that they are given written authorization to conduct searches for contraband of the children. All of the belongings are gone through at the time they arrive. No physical search is conducted as most travel by air and have already been through rigorous airport security and screening. They do not do regular testing for drugs or nicotine as the children remain in the constant care and supervision of the Ranch staff.

2.

☒☐

Reviewed with Administrator at least two personnel files of employee's to verify background checks are on file and fingerprint checks have been performed.

Comments:

Everything appeared to be in order.

3.

☒☐

Reviewed with Administrator at least two program participants files to verify they are kept within accordance of programs policy and federal and state laws for privacy.

Comments:

Kept in locked cabinet with limited access.

4.

☒☐

Reviewed with Administrator at least two program participant's files to verify that each has an individual treatment plan in place. (at least one different from above two)

Comments:

No specific therapy notes were contained in the files as therapist maintains that information. But consent to share that information with Ranch staff was in place and detailed notes of the children's individual issues and progress was contained in the files.

5.

☒☐

Review medication dispensation log to verify that kept up to date including information on missed or refused dosages and medication changes.

Comments: Medication log was current.

6.



Verify with Administrator that copies of all professional staff certifications are maintained on the premise.

Comments: Professional staff certifications contained in the files Inspectors examined.

Staff Interviews – combined answers of two staff:

1.

Y

N



Staff explained definition of inappropriate and appropriate behaviors of program participants.

Comments: It was explained by staff that a level system is used. The system includes four levels (00, 0, 1, and 2). 3 strikes of inappropriate behavior will move a student down a level. The range is from level 2's with full privileges to level 00 where the student spends all their free time in the corner that week.

2.



Staff explained acceptable and unacceptable responses to inappropriate behaviors as well as acceptable consequences to inappropriate behaviors.

Comments: Students are talked to when they break rules and are given strikes as explained above. Weekly level meetings are held with all the staff and students and issues are discussed along with new level assignments based on the behavior of the child that week. Acceptable behavior means that you move up a level and are given more privileges.

3.



Staff verified training in these areas has occurred and does reoccur at least annually.

Comments: Staff attends weekly staff meetings, training for dealing with issues occurs throughout the year as things come up.

4.



Staff verified the purpose of physical labor (not for the sole purpose of punishment).

Comments: Staff indicated that students do perform physical labor but that the sole purpose is not for punishment. They have their level system based on actions and consequences and those in lower levels may have additional chores assigned to them.

5. ☒ ☐ Staff verified necessary food, clothing, bedding, rest, toilet use or bathing facilities are not denied to participants as a form of punishment.

Comments: Food, clothing and other necessities are not withheld from students.

6. ☒ ☐ Staff verified that verbal abuse, ridicule, humiliation, profanity, threats or other forms of degradation are not directed at participants or their families.

Comments: Staff indicated this type of behavior is not tolerated.

7. ☒ ☐ Staff verified denial of visits or communication with parents/guardians does not occur for the sole purpose of punishment (program guidelines, activities, plans or court orders may require short periods where communication cannot occur).

Comments: Staff verified this was accurate and that if communication was not going to occur for some reason at the regular time staff would contact parents.

8. ☒ ☐ Locked confinements or placing participants in a locked room for non therapeutic purposes are not used.

Comments: Not used. Students may be asked to sit the hall if disruptive at school for a period of time or, as mentioned above, may be required to sit in the corner for a period of time.

9. ☒ ☐ The administration of medication for disciplinary purposes, the convenience of staff or as a substitute for treatment services in not done.

Comments: Staff verified medication is only dispensed as prescribed.

10. ☒ ☐ Staff verified all punishment given to a participant is done with at least two staff members present.

Comments: No physical punishment occurs. Punishments are by loss of privileges through the level system.

11. ☒ ☐ Physical or mental suffering including pain to force compliance does not occur.

Comments: Staff verified this does not occur, again the programs approach is a hands-off.

12. ☒ ☐ The use of passive restraint is explained and falls within the program rules (only used in a situation when an imminent threat to the participant, staff or others and only by trained staff – CPI and MANDT).

Comments: Staff is trained in MANDT, Mr. Sutley is a MANDT trainer.

13. ☒ ☐ Staff explained use of short term time out for behavior modification methods employed at the facility.

Comments: Staff explained short term time out in the corner as described above.

14. ☒ ☐ Staff explained procedures for handling emergency situations such as suicide threat/attempt, assault or runaway.

Comments: Emergency numbers are posted in all classrooms and houses.

Participant Interviews – combined answers of two participants

1.
Y N
☒ ☐ Participant explained how staff deals with inappropriate and appropriate behaviors of program participants.

Comments: The students confirmed that they will talk to them about not following the rules or they may drop a level depending on how severe it is. For appropriate behaviors they will increase levels and get more privileges.

2.



Participant acknowledges have access to routine and emergent medical services as needed, including mental health services.

Comments:

Both students agreed service are available. Mental health services are available to girls whose parents want it, only 2-3 girls see her.

3.



Verified participant received handbook outlining expectations and acceptable standards of the program.

Comments:



Participant verified the purpose of physical labor (not for the sole purpose of punishment).

Comments:



Participant verified necessary food, clothing, bedding, rest, toilet use or bathing facilities are not denied to participants as a form of punishment.

Comments:



Participant verified that verbal abuse, ridicule, humiliation, profanity, threats or other forms of degradation are not directed at participants or their families.

Comments:

Y N

☐☐

Participant verified denial of visits or communication with parents/guardians does not occur for the sole purpose of punishment (program guidelines, activities, plans or court orders may require short periods where communication cannot occur).

Comments: _____

☐☐

Locked confinements or placing participants in a locked room for non therapeutic purposes are not used.

Comments: _____

☐☐

The administration of medication for disciplinary purposes, the convenience of staff or as a substitute for treatment services in not done.

Comments: _____

☐☐

Participant verified all punishment given to a participant is done with at least two staff members present. Determine if corporal punishment is used.

Comments: _____

☐☐

Physical or mental suffering including pain to force compliance does not occur.

Comments: _____

☐☐

The use of passive restraint is explained and falls within the program rules (only used in a situation when an imminent threat to the participant, staff or others and only by trained staff – CPI and MANDT).

Comments: _____

Y

☐

N

☐

Participant explained use of short term time out for behavior modification methods employed at the facility.

Comments:

Report of Inspection

at the request of

The Private Alternative Adolescent Residential Program

Program: Riverview Academy
PO Box 2502
Thompson Falls MT

Supervising Attorney: Colleen White

Inspector: Amber Carpenter
William W. Wood

Date of Inspection: May 11, 2010

Date of Report: May 21, 2010

Site Inspection:

1.

Y

N

☒☒

Plan of operation as described in application fits with the appearance of the operation as laid out during walk through.

Comments:

Due to time constraints of this process the Inspectors did not receive a copy of the program plan of operation prior to the inspection. Therefore, the following is a narrative of the basic operation as explained to the Inspectors at the time of the inspection.

Riverview Academy provides a stable home environment for teenage girls age 14 to 18. Riverview consists of Mickey Manning, with the assistance of her husband Rick and adult daughter Kaitlynn. There is no paid staff. The girls see a therapist in Thompson Falls.

2.

☒☐

The number of program participants is consistent with information submitted with application and provided by Administrator.

Comments:

The program currently has 2 girls in residence.

3.

☐☒

Premise does not contain an area that could be used for corporal punishment, isolation or the ability to inflict physical pain as a disciplinary measure.

Comments:

No area was viewed.

4.

☒☐

Buildings are equipped with fire extinguishers, emergency exits plans and smoke detectors that are placed conspicuously.

Comments:

All buildings have smoke detectors, and fire extinguishers. No emergency exit plans were viewed.

5.

☐☒

Any noted deficiencies in most recent Deputy State Fire Marshalls report have been addressed.

Comments: Deputy State Fire Marshall has not inspected the building. Mickey indicated she was not aware they should get an inspection and will call.

6.

☐

Program facilities are free from any major notable safety hazards or defects.

Comments: No noted hazards.

7.

☐

If program is required to have periodic water quality testing and septic maintenance, verify these inspections are current.

Comments: Water inspection done annually. Septic system pumped annually.

8.

☐

Facility contains an adequately supplied first aid kit which is maintained and in good working order.

Comments: First aid kit in house and vehicles.

9.

☐

Area medications are stored in a controlled area with limited access.

Comments: Medications are stored in locked safe.

10.

☐

Food preparation and serving areas are adequate to ensure nutritional needs of participants are met.

Comments: All areas appeared adequate. Food is prepared by Mickey and girls assist with clean up.

11.

☐

Food preparation areas are operated in a clean and safe manner with all equipment, storage and serving tools in good working order.

Comments: All areas appeared clean. Equipment and tools seemed in good working order.

12.

☐

Vehicles used to transport participants and staff has emergency information contained in the vehicle. (Name, address, telephone of program and emergency phone numbers)

Comments: Emergency information contained in each vehicle.

13.

☐☒

Verified if any newly constructed buildings or remodeling has been done with the last 18-24 months. If so, determine if building, plumbing and electrical permits were received and proper inspections done upon completion of project.

Comments: The home is currently under construction. Mickey's husband has been doing most of the finish work. Home originally constructed as a private residence. Inspectors advised them to check with State Building Codes to determine if need building permit/inspection.

Administrator Interview:

1.

Y

N

☒☐

Administrator explained policy for contraband check, including the circumstances in which searches will be conducted and the training of staff conducting search.

Comments: Given authorization to search as needed from parents/guardians, partial strip search no physical contact.

2.

☒☒

Reviewed with Administrator at least two personnel files of employee's to verify background checks are on file and fingerprint checks have been performed.

Comments: N/A, no staff.

3.

☒☐

Reviewed with Administrator at least two program participants files to verify they are kept within accordance of programs policy and federal and state laws for privacy.

Comments: Kept in administrative offices, locked cabinet.

4.

☒☒

Reviewed with Administrator at least two program participant's files to verify that each has an individual treatment plan in place. (at least one different from above two)

Comments: Individual plans and therapy notes were not contained in the files, contract with local therapist. Treatment notes are with the therapist.

5. ☒ ☒ Review medication dispensation log to verify that kept up to date including information on missed or refused dosages and medication changes.

Comments: Medication log up to date.

6. ☒ ☒ Verify with Administrator that copies of all professional staff certifications are maintained on the premise.

Comments: N/A, no staff.

Staff Interviews – No staff to interview, asked these questions of Mike & Emily

1.
Y N
☒ ☐ Staff explained definition of inappropriate and appropriate behaviors of program participants.

Comments: Inappropriate behavior was explained as not following the house rules. Completing chores, 12 step program and school work was appropriate.

2. ☒ ☐ Staff explained acceptable and unacceptable responses to inappropriate behaviors as well as acceptable consequences to inappropriate behaviors.

Comments: Program utilizes a level system and is small enough that they can operate more like a family and control privileges like attending school functions as you would your own child.

3. ☒ ☒ Staff verified training in these areas has occurred and does reoccur at least annually.

Comments: No staff meetings/training.

4. ☒ ☐ Staff verified the purpose of physical labor (not for the sole purpose of punishment).

Comments: Kids generally only perform routine chores, no physical labor besides.

5. ☒ ☐ Staff verified necessary food, clothing, bedding, rest, toilet use or bathing facilities are not denied to participants as a form of punishment.

Comments: Food, clothing and other necessities are not withheld from students

6. ☒ ☐ Staff verified that verbal abuse, ridicule, humiliation, profanity, threats or other forms of degradation are not directed at participants or their families.

Comments: This is not done.

7. ☒ ☐ Staff verified denial of visits or communication with parents/guardians does not occur for the sole purpose of punishment (program guidelines, activities, plans or court orders may require short periods where communication cannot occur).

Comments: Don't deny communication.

8. ☒ ☐ Locked confinements or placing participants in a locked room for non therapeutic purposes are not used.

Comments: Not used.

9. ☒ ☐ The administration of medication for disciplinary purposes, the convenience of staff or as a substitute for treatment services is not done.

Comments: Not done.

10. ☒ ☐ Staff verified all punishment given to a participant is done with at least two staff members present.

Comments: No physical punishment occurs.

11. ☒ ☐ Physical or mental suffering including pain to force compliance does not occur.

Comments: This does not occur.

12.

☐

The use of passive restraint is explained and falls within the program rules (only used in a situation when an imminent threat to the participant, staff or others and only by trained staff – CPI and MANDT).

Comments: Mickey trained in CPI.

13.

☐

Staff explained use of short term time out for behavior modification methods employed at the facility.

Comments: Treat as own children, talk with them about issues, consistent actions and consequences.

14.

☐

Staff explained procedures for handling emergency situations such as suicide threat/attempt, assault or runaway.

Comments: Call therapist, parent, and local authorities.

Participant Interviews – students in public school, not available for interview.

Report of Inspection

at the request of

The Private Alternative Adolescent Residential Program

Program: Star Peak Crossing
PO Box 2496
Thompson Falls MT

Supervising Attorney: Colleen White

Inspector: Amber Carpenter
William W. Wood

Date of Inspection: May 12, 2010

Date of Report: May 21, 2010

Site Inspection:

1.

Y

N

☒☒

Plan of operation as described in application fits with the appearance of the operation as laid out during walk through.

Comments:

Due to time constraints of this process the Inspectors did not receive a copy of the program plan of operation prior to the inspection. Therefore, the following is a narrative of the basic operation as explained to the Inspectors at the time of the inspection.

Star Peak Crossing provides a stable home environment for teenage boys age 14 to 18. Star Peak consists of Michael and Emily Chism. There is no paid staff. The boys see a therapist in Thompson Falls.

2.

☒☐

The number of program participants is consistent with information submitted with application and provided by Administrator.

Comments:

The program currently has 2 boys in residence.

3.

☐☒

Premise does not contain an area that could be used for corporal punishment, isolation or the ability to inflict physical pain as a disciplinary measure.

Comments:

No area was viewed.

4.

☒☐

Buildings are equipped with fire extinguishers, emergency exits plans and smoke detectors that are placed conspicuously.

Comments:

All buildings have smoke detectors, and fire extinguishers. No emergency exit plans were viewed. Mike explained they do monthly fire drills and go over the place everyone should meet in case of emergency.

5.

☐☒

Any noted deficiencies in most recent Deputy State Fire Marshalls report have been addressed.

Comments: Deputy State Fire Marshall has not inspected the building. Mike indicated he was not aware they should get an inspection and will call.

6.

☐

Program facilities are free from any major notable safety hazards or defects.

Comments: No noted hazards.

7.

☐

If program is required to have periodic water quality testing and septic maintenance, verify these inspections are current.

Comments: Water inspection done annually. Septic system pumped annually.

8.

☐

Facility contains an adequately supplied first aid kit which is maintained and in good working order.

Comments: First aid kit in house and vehicles. Mike is an EMT.

9.

☐

Area medications are stored in a controlled area with limited access.

Comments: N/A, no kids on medication at this time, but have policies in place to lock them.

10.

☐

Food preparation and serving areas are adequate to ensure nutritional needs of participants are met.

Comments: All areas appeared adequate. Food is prepared by Emily and boys assist with clean up.

11.

☐

Food preparation areas are operated in a clean and safe manner with all equipment, storage and serving tools in good working order.

Comments: All areas appeared clean. Equipment and tools seemed in good working order.

12.

☐

Vehicles used to transport participants and staff has emergency information contained in the vehicle. (Name, address, telephone of program and emergency phone numbers)

Comments: Emergency information contained in each vehicle.

13.

☐ ☒

Verified if any newly constructed buildings or remodeling has been done with the last 18-24 months. If so, determine if building, plumbing and electrical permits were received and proper inspections done upon completion of project.

Comments: A new dormitory building and recreation building was recently built. Mike and friends did majority of the work, did not know they were required to have a building permit. Additionally, home has never been inspected when its use from private residence was changed to alternative residence. Inspectors advised them to check with State Building Codes to verify.

Administrator Interview:

1.

Y N

☒ ☐

Administrator explained policy for contraband check, including the circumstances in which searches will be conducted and the training of staff conducting search.

Comments: Given authorization to search as needed from parents/guardians, partial strip search no physical contact.

2.

☒ ☒

Reviewed with Administrator at least two personnel files of employee's to verify background checks are on file and fingerprint checks have been performed.

Comments: N/A, no staff.

3.

☒ ☐

Reviewed with Administrator at least two program participants files to verify they are kept within accordance of programs policy and federal and state laws for privacy.

Comments: Kept in administrative offices, limited access.

4.

☒ ☒

Reviewed with Administrator at least two program participant's files to verify that each has an individual treatment plan in place. (at least one different from above two)

Comments: Individual plans and therapy notes were not contained in the files, contract with local therapist. Treatment notes are with the therapist.

5. ☒ ☒ Review medication dispensation log to verify that kept up to date including information on missed or refused dosages and medication changes.

Comments: N/A, no one on medication.

6. ☒ ☒ Verify with Administrator that copies of all professional staff certifications are maintained on the premise.

Comments: N/A, no staff.

Staff Interviews – No staff to interview, asked these questions of Mike & Emily

1.
Y N
☒ ☐ Staff explained definition of inappropriate and appropriate behaviors of program participants.

Comments: Inappropriate behavior was explained as not following the rules. Working within the rules and guidelines of the program was appropriate.

2. ☒ ☐ Staff explained acceptable and unacceptable responses to inappropriate behaviors as well as acceptable consequences to inappropriate behaviors.

Comments: Program utilizes a level system and is small enough that they can operate more like a family and control privileges like attending school functions as you would your own child.

3. ☒ ☒ Staff verified training in these areas has occurred and does reoccur at least annually.

Comments: No staff meetings/training.

4. ☒ ☐ Staff verified the purpose of physical labor (not for the sole purpose of punishment).

Comments: Kids generally only perform routine chores, no physical labor besides.

5. ☒ ☐ Staff verified necessary food, clothing, bedding, rest, toilet use or bathing facilities are not denied to participants as a form of punishment.

Comments: Food, clothing and other necessities are not withheld from students

6. ☒ ☐ Staff verified that verbal abuse, ridicule, humiliation, profanity, threats or other forms of degradation are not directed at participants or their families.

Comments: This is not done.

7. ☒ ☐ Staff verified denial of visits or communication with parents/guardians does not occur for the sole purpose of punishment (program guidelines, activities, plans or court orders may require short periods where communication cannot occur).

Comments: Don't deny communication.

8. ☒ ☐ Locked confinements or placing participants in a locked room for non therapeutic purposes are not used.

Comments: Not used.

9. ☒ ☐ The administration of medication for disciplinary purposes, the convenience of staff or as a substitute for treatment services is not done.

Comments: No medications dispensed.

10. ☒ ☐ Staff verified all punishment given to a participant is done with at least two staff members present.

Comments: No physical punishment occurs.

11. ☒ ☐ Physical or mental suffering including pain to force compliance does not occur.

Comments: This does not occur.

12.

☐

The use of passive restraint is explained and falls within the program rules (only used in a situation when an imminent threat to the participant, staff or others and only by trained staff – CPI and MANDT).

Comments: Mike trained in CPI.

13.

☐

Staff explained use of short term time out for behavior modification methods employed at the facility.

Comments: Treat as own children, talk with them about issues, send them to their room.

14.

☐

Staff explained procedures for handling emergency situations such as suicide threat/attempt, assault or runaway.

Comments: Call therapist, parent, and local authorities.

Participant Interviews – students in public school, not available for interview.

Report of Inspection

at the request of

The Private Alternative Adolescent Residential Program

Program: Summit Preparatory School
1605 Danielson Rd
Kalispell MT 59901

Supervising Attorney: Colleen White

Inspector: Amber Carpenter
William W. Wood

Date of Inspection: May 28, 2010

Date of Report: May 31, 2010

Site Inspection:

1.

Y

N

☒☒

Plan of operation as described in application fits with the appearance of the operation as laid out during walk through.

Comments:

Due to time constraints of this process the Inspectors did not receive a copy of the program plan of operation prior to the inspection. Therefore, the following is a narrative of the basic operation as explained to the Inspectors at the time of the inspection.

Summit is a co-ed college preparatory school that is residential based with a focus on therapy and academics. Each student is assigned to a treatment team which consists of a masters level therapist, certified teacher, house parent and direct care staff. The school at Summit is accredited by OPI. The school is a 12 month school to allow students who may have fallen behind catch up in their academic studies. The average stay is 15 months and the students range in age from 14 to 17.

2.

☒☐

The number of program participants is consistent with information submitted with application and provided by Administrator.

Comments:

The program currently has 40 students in residence.

3.

☐☒

Premise does not contain an area that could be used for corporal punishment, isolation or the ability to inflict physical pain as a disciplinary measure.

Comments:

No area was viewed. This information was confirmed through staff and participant interviews.

4.

☒☐

Buildings are equipped with fire extinguishers, emergency exits plans and smoke detectors that are placed conspicuously.

Comments:

Fire extinguishers, emergency exit plans, and smoke detectors were present in all buildings. In addition fire sprinkler systems, panic hardware and pull fire alarms were present in certain buildings.

5. ☒ ☐ Any noted deficiencies in most recent Deputy State Fire Marshalls report have been addressed.

Comments: Deputy State Fire Marshall is by the facility yearly, noted deficiencies in the most recent report have been addressed.

6. ☒ ☐ Program facilities are free from any major notable safety hazards or defects.

Comments: No noted hazards.

7. ☒ ☐ If program is required to have periodic water quality testing and septic maintenance, verify these inspections are current.

Comments: Septic system pumped on as needed, water testing is done monthly.

8. ☒ ☐ Facility contains an adequately supplied first aid kit which is maintained and in good working order.

Comments: First aid kit in main building, each dorm, and all vehicles. All staff are CPR/First Aid or Wilderness First Aid. Summit has an indoor pool and several staff are Red Cross trained lifeguards.

9. ☒ ☐ Area medications are stored in a controlled area with limited access.

Comments: Medications are kept in locked med room, inside locked cabinet in each dorm or in the nurses office.

10. ☒ ☐ Food preparation and serving areas are adequate to ensure nutritional needs of participants are met.

Comments: All areas appeared adequate. Food is prepared by staff with teams of students taking turns to clean.

11. ☒ ☐ Food preparation areas are operated in a clean and safe manner with all equipment, storage and serving tools in good working order.

Comments: All areas appeared clean. Equipment and tools seemed in good working order.

12. ☒ ☐ Vehicles used to transport participants and staff has emergency information contained in the vehicle. (Name, address, telephone of program and emergency phone numbers)

Comments: Emergency information is contained in the vehicles.

13. ☒ ☐ Verified if any newly constructed buildings or remodeling has been done with the last 18-24 months. If so, determine if building, plumbing and electrical permits were received and proper inspections done upon completion of project.

Comments: No recent construction.

Administrator Interview:

1. Y N
☒ ☐ Administrator explained policy for contraband check, including the circumstances in which searches will be conducted and the training of staff conducting search.

Comments: The program is given written authorization to conduct searches for contraband of the children. No physical search is conducted. Most students come from wilderness so this is not generally an issue.

2. ☒ ☐ Reviewed with Administrator at least two personnel files of employee's to verify background checks are on file and fingerprint checks have been performed.

Comments: All personnel files appeared in order.

3. ☒ ☐ Reviewed with Administrator at least two program participants files to verify they are kept within accordance of programs policy and federal and state laws for privacy.

Comments: Kept in administrative offices, limited access.

4. ☒ ☐ Reviewed with Administrator at least two program participant's files to verify that each has an individual treatment plan in place. (at least one different from above two)

Comments: Individual plans and therapy notes were contained in the files and/or computer.

5. ☒ ☐ Review medication dispensation log to verify that kept up to date including information on missed or refused dosages and medication changes.

Comments: Medication log was current.

6. ☒ ☐ Verify with Administrator that copies of all professional staff certifications are maintained on the premise.

Comments: Professional staff certifications kept in staff files.

Staff Interviews – combined answers of two staff:

1. Y N
☒ ☐ Staff explained definition of inappropriate and appropriate behaviors of program participants.

Comments: Inappropriate behavior was explained as not following the rules or not completing school work or therapy as assigned. While working within the rules and guidelines of the program was appropriate. Staff explained program is relationship based.

2. ☒ ☐ Staff explained acceptable and unacceptable responses to inappropriate behaviors as well as acceptable consequences to inappropriate behaviors.

Comments: Depends on the situation, something minor may just require speaking with the student or going to the decision room (a room off the principals office where students can have quiet time). Treatment teams may get involved in more serious issues and students may be assigned work crew.

3. ☒ ☐ Staff verified training in these areas has occurred and does reoccur at least annually.

Comments: Staff training is on-going, several lately include Love and Logic, CPI, CPR, and Wilderness First Aid, and life guard.

4. ☒ ☐ Staff verified the purpose of physical labor (not for the sole purpose of punishment).

Comments: Staff indicated that physical labor for breaking rules is part of being a citizen in the community.

5. ☒ ☐ Staff verified necessary food, clothing, bedding, rest, toilet use or bathing facilities are not denied to participants as a form of punishment.

Comments: Food, clothing and other necessities are not withheld from students

6. ☒ ☐ Staff verified that verbal abuse, ridicule, humiliation, profanity, threats or other forms of degradation are not directed at participants or their families.

Comments: Staff indicated this type of behavior is not tolerated.

7. ☒ ☐ Staff verified denial of visits or communication with parents/guardians does not occur for the sole purpose of punishment (program guidelines, activities, plans or court orders may require short periods where communication cannot occur).

Comments: Staff explained communication not withheld for punishment.

8. ☒ ☐ Locked confinements or placing participants in a locked room for non therapeutic purposes are not used.

Comments: Not used.

9. ☒ ☐ The administration of medication for disciplinary purposes, the convenience of staff or as a substitute for treatment services in not done.

Comments: Staff verified medication is only dispensed as prescribed.

10. ☒ ☐ Staff verified all punishment given to a participant is done with at least two staff members present.

Comments: No physical punishment occurs.

11. ☒ ☐ Physical or mental suffering including pain to force compliance does not occur.

Comments: Staff verified this does not occur.

12. ☒ ☒ The use of passive restraint is explained and falls within the program rules (only used in a situation when an imminent threat to the participant, staff or others and only by trained staff – CPI and MANDT).

Comments: Staff stated trained in CPI.

13. ☒ ☐ Staff explained use of short term time out for behavior modification methods employed at the facility.

Comments: Decision room as explained above.

14. ☒ ☐ Staff explained procedures for handling emergency situations such as suicide threat/attempt, assault or runaway.

Comments: Runaway protocol with runaway packets containing info on kids and who to contact. Someone follows the child to make sure they are safe. Do not talk them into the car, must be there decision to return to school. Contact local law enforcement and parents.

Participant Interviews – combined answers of two participants

1. Y N
☒ ☐ Participant explained how staff deals with inappropriate and appropriate behaviors of program participants.

Comments: The students confirmed warning for minor issues and requirements to do extra chores (work crew). Stages 1-4, higher allows for more privileges such as going off campus and the clubhouse (room to hang out in by the gym). Students may be restricted from other students if being a negative influence.

2. ☒ ☐ Participant acknowledges have access to routine and emergent medical services as needed, including mental health services.

Comments: Both students agreed services are available.

3. ☒ ☐ Verified participant received handbook outlining expectations and acceptable standards of the program.

Comments: Both agreed they received a handbook and assigned a big brother or sister who helped them to learn how things worked.

4. ☒ ☐ Participant verified the purpose of physical labor (not for the sole purpose of punishment).

Comments: Students indicated that physical work is designed to help work through issues and give back to the community as well as time to focus and think. During stage 4 the whole team gets together and does a community service project.

5. ☒ ☐ Participant verified necessary food, clothing, bedding, rest, toilet use or bathing facilities are not denied to participants as a form of punishment.

Comments: Food is good.

6. ☒ ☐ Participant verified that verbal abuse, ridicule, humiliation, profanity, threats or other forms of degradation are not directed at participants or their families.

Comments: Does not occur.

7. ☒ ☐ Participant verified denial of visits or communication with parents/guardians does not occur for the sole purpose of punishment (program guidelines, activities, plans or court orders may require short periods where communication cannot occur).

Comments: Students get weekly calls based on clan status.

8. ☒ ☐ Locked confinements or placing participants in a locked room for non therapeutic purposes are not used.

Comments: No such place.

9. ☒ ☐ The administration of medication for disciplinary purposes, the convenience of staff or as a substitute for treatment services in not done.

Comments: Does not happen.

10. ☒ ☒ Participant verified all punishment given to a participant is done with at least two staff members present. Determine if corporal punishment is used.

Comments: Physical punishment does not occur.

11. ☒ ☐ Physical or mental suffering including pain to force compliance does not occur.

Comments: Does not happen.

12. ☒ ☐ The use of passive restraint is explained and falls within the program rules (only used in a situation when an imminent threat to the participant, staff or others and only by trained staff – CPI and MANDT).

Comments: Students indicated never witnessed a need for this.

13. ☒ ☐ Participant explained use of short term time out for behavior modification methods employed at the facility.

Comments: The decision room as described above.

Report of Inspection

at the request of

The Private Alternative Adolescent Residential Program

Program: Turning D Ranch
PO Box 2092
Thompson Falls MT

Supervising Attorney: Colleen White

Inspector: Amber Carpenter
William W. Wood

Date of Inspection: May 11, 2010

Date of Report: May 20, 2010

Site Inspection:

1.

Y

N

☒☐

Plan of operation as described in application fits with the appearance of the operation as laid out during walk through.

Comments:

Due to time constraints of this process the Inspectors did not receive a copy of the program plan of operation prior to the inspection. Therefore, the following is a narrative of the basic operation as explained to the Inspectors at the time of the inspection.

Turning D Ranch (Turning D) is a 12 month school for troubled teen boys ranging in age from 13 to 17. Many of the boys who attend this program have been hard core into drugs and gangs and are there as a last resort to jail or another juvenile program. The school operates 12 months out of the year in order to help these boys catch up as most are very far behind in their studies. There are 10 staff, including 2 certified teachers, direct care staff and a licensed addiction counselor. The program utilizes a 12 step program along with academics and community service.

2.

☒☐

The number of program participants is consistent with information submitted with application and provided by Administrator.

Comments:

The program currently has 12 boys in residence.

3.

☐☒

Premise does not contain an area that could be used for corporal punishment, isolation or the ability to inflict physical pain as a disciplinary measure.

Comments:

No area was viewed. This information was confirmed through staff and participant interviews.

4.

☒☐

Buildings are equipped with fire extinguishers, emergency exits plans and smoke detectors that are placed conspicuously.

Comments:

All buildings have the required emergency exit plans, smoke detectors, and fire extinguishers.

5. ☒ ☐ Any noted deficiencies in most recent Deputy State Fire Marshalls report have been addressed.

Comments: Deputy State Fire Marshall has inspected the building and no discrepancies were noted. In addition the county health inspector has inspected the facility and recommended they replace the kitchen counter. This has been completed.

6. ☒ ☐ Program facilities are free from any major notable safety hazards or defects.

Comments: No noted hazards.

7. ☒ ☐ If program is required to have periodic water quality testing and septic maintenance, verify these inspections are current.

Comments: Water inspection done annually. New septic system installed with plan approval on file with the county.

8. ☒ ☐ Facility contains an adequately supplied first aid kit which is maintained and in good working order.

Comments: First aid kit in staff office, kitchen and vehicles.

9. ☒ ☐ Area medications are stored in a controlled area with limited access.

Comments: Medications are kept in locked storage room off staff office. Only one boy on medication at this time.

10. ☒ ☐ Food preparation and serving areas are adequate to ensure nutritional needs of participants are met.

Comments: All areas appeared adequate. Food is prepared by staff cook and clean up is done by boys. Menus are put together by a dietician.

11. ☒ ☐ Food preparation areas are operated in a clean and safe manner with all equipment, storage and serving tools in good working order.

Comments: All areas appeared clean. Equipment and tools seemed in good working order.

12.



Vehicles used to transport participants and staff has emergency information contained in the vehicle. (Name, address, telephone of program and emergency phone numbers)

Comments: Emergency information was all contained on the sun visor of each vehicle.

13.



Verified if any newly constructed buildings or remodeling has been done with the last 18-24 months. If so, determine if building, plumbing and electrical permits were received and proper inspections done upon completion of project.

Comments: A new dormitory building was recently built. Program used local contractor for construction and was told they were not required to have a building permit. Inspector's advised them to check with State Building Codes to verify.

Administrator Interview:

1.

Y

N



Administrator explained policy for contraband check, including the circumstances in which searches will be conducted and the training of staff conducting search.

Comments: Contracts with a transport company to transport kids. The transport company does a very good job of checking for contraband. Given authorization to search as needed from parents/guardians, complete partial strip search no physical contact.

2.



Reviewed with Administrator at least two personnel files of employee's to verify background checks are on file and fingerprint checks have been performed.

Comments: Everything appeared to be in order.

3.



Reviewed with Administrator at least two program participants files to verify they are kept within accordance of programs policy and federal and state laws for privacy.

Comments: Kept in administrative offices, limited access.

4.

☒☒

Reviewed with Administrator at least two program participant's files to verify that each has an individual treatment plan in place. (at least one different from above two)

Comments: Individual plans and therapy notes were contained in the files, contract with LAC out of Libby who comes up every Friday. Treatment notes are with the LAC.

5.

☒☐

Review medication dispensation log to verify that kept up to date including information on missed or refused dosages and medication changes.

Comments: Medication log was current, only one student on medication.

6.

☒☐

Verify with Administrator that copies of all professional staff certifications are maintained on the premise.

Comments: Professional staff certifications contained in the files Inspectors examined.

Staff Interviews – combined answers of two staff:

1.

Y

N

☒☐

Staff explained definition of inappropriate and appropriate behaviors of program participants.

Comments: Inappropriate behavior was explained as not following the rules. Working within the rules and guidelines of the program was appropriate.

2.

☒☐

Staff explained acceptable and unacceptable responses to inappropriate behaviors as well as acceptable consequences to inappropriate behaviors.

Comments: Program utilizes a point system. Each week students start with 2335 (335 points per day). Points are taken away if a student does not follow rules. 3,000 points are needed to reach level 2 which brings additional privileges. Students not singled out in front of group, dealt with on individual basis.

3.

☒ ☐

Staff verified training in these areas has occurred and does reoccur at least annually.

Comments: Staff has daily meetings to discuss issues that came up that day and how to proceed in the future. Staff given on the job training and give some self defense training about a year ago.

4.

☒ ☐

Staff verified the purpose of physical labor (not for the sole purpose of punishment).

Comments: All students participate in the work day. Some may be assigned additional tasks throughout the week if lower levels. Do a lot of community service work so the kids can understand how it is to give without expecting anything in return.

5.

☒ ☐

Staff verified necessary food, clothing, bedding, rest, toilet use or bathing facilities are not denied to participants as a form of punishment.

Comments: Food, clothing and other necessities are not withheld from students

6.

☒ ☒

Staff verified that verbal abuse, ridicule, humiliation, profanity, threats or other forms of degradation are not directed at participants or their families.

Comments: Staff indicated this type of behavior is not tolerated generally but some staff does occasionally. "The program is a little inconsistent regarding this."

7.

☒ ☐

Staff verified denial of visits or communication with parents/guardians does not occur for the sole purpose of punishment (program guidelines, activities, plans or court orders may require short periods where communication cannot occur).

Comments: Communication is tied to their level system, must be at least level 2 to get or receive mail or phone calls.

8.

☒ ☐

Locked confinements or placing participants in a locked room for non therapeutic purposes are not used.

Comments: Not used.

9. ☒ ☐ The administration of medication for disciplinary purposes, the convenience of staff or as a substitute for treatment services is not done.

Comments: Staff verified medication is only dispensed as prescribed.

10. ☒ ☐ Staff verified all punishment given to a participant is done with at least two staff members present.

Comments: No physical punishment occurs.

11. ☒ ☐ Physical or mental suffering including pain to force compliance does not occur.

Comments: Staff verified this does not occur.

12. ☐ ☒ The use of passive restraint is explained and falls within the program rules (only used in a situation when an imminent threat to the participant, staff or others and only by trained staff – CPI and MANDT).

Comments: Staff is aware of CPI and MANDT from prior employment in public school system. Other staff did not know what it was but recalled an incident where physical passive restraint was needed and used to control a situation.

13. ☒ ☐ Staff explained use of short term time out for behavior modification methods employed at the facility.

Comments: Staff explained if a student is really struggling they may ask them to step outside and hug a tree. For more severe violations they may get placed on porch, where they spend 3 days on the porch doing school work, meal and sleep in a tent in the front yard. Staff takes their shoes so they can't run.

14. ☒ ☐ Staff explained procedures for handling emergency situations such as suicide threat/attempt, assault or runaway.

Comments: Have a runaway file with a list of things to do immediately and if they are suicidal they escort them to Pathways in Kalispell for an evaluation.

Participant Interviews – combined answers of two participants

1.

Y

N

☒☐

Participant explained how staff deals with inappropriate and appropriate behaviors of program participants.

Comments:

The students confirmed levels and points systems in place. They also explained that a student may go on porch for up to 3 days if there is a serious incident. Both students we talked with had just come off porch for attempting to get a hold of drugs.

2.

☒☐

Participant acknowledges have access to routine and emergent medical services as needed, including mental health services.

Comments:

Both students agreed services are available. Mental health services available on Fridays with LAC.

3.

☒☐

Verified participant received handbook outlining expectations and acceptable standards of the program.

Comments:

Both agreed they did receive a handbook which includes their 12 step program as well.

4.

☒☐

Participant verified the purpose of physical labor (not for the sole purpose of punishment).

Comments:

Students indicated that the work projects are done for the community or to help build self esteem among students.

5.

☒☐

Participant verified necessary food, clothing, bedding, rest, toilet use or bathing facilities are not denied to participants as a form of punishment.

Comments:

Food is good.

6.



Participant verified that verbal abuse, ridicule, humiliation, profanity, threats or other forms of degradation are not directed at participants or their families.

Comments:

One student stated this does not occur, the other stated Sean and Denise will sometimes call students bad names. Recently the kids on the porch were called f-ing little beasts. Sean is better than Denise. Staff never call names.

7.



Participant verified denial of visits or communication with parents/guardians does not occur for the sole purpose of punishment (program guidelines, activities, plans or court orders may require short periods where communication cannot occur).

Comments:

Students get weekly calls once they reach a certain level.

8.



Locked confinements or placing participants in a locked room for non therapeutic purposes are not used.

Comments:

No such place.

9.



The administration of medication for disciplinary purposes, the convenience of staff or as a substitute for treatment services is not done.

Comments:

Does not happen.

10.



Participant verified all punishment given to a participant is done with at least two staff members present. Determine if corporal punishment is used.

Comments:

Physical punishment does not occur – points are lost and porch.

11.



Physical or mental suffering including pain to force compliance does not occur.

Comments:

Does not happen.

12.



The use of passive restraint is explained and falls within the program rules (only used in a situation when an imminent threat to the participant, staff or others and only by trained staff – CPI and MANDT).

Comments: One student confirmed staff only uses passive restraint while the other indicated a student recently "went crazy" and was going to leave. Denise and Sean attempted to keep him on the grounds. The student punched Sean and "dropped him" all the other students restrained him.

13.

☐

Participant explained use of short term time out for behavior modification methods employed at the facility.

Comments: Boys are told to go hold a tree – point is to try to get their emotions under control.

Report of Inspection

at the request of

The Private Alternative Adolescent Residential Program

Program: Turning Winds Academic Institute
31733 South Fork Yaak Rd
Troy MT 59935

Supervising Attorney: Colleen White

Inspector: Amber Carpenter
William W. Wood

Date of Inspection: April 20, 2010

Date of Report: May 20, 2010

Site Inspection:

1.

Y

N

☒☒

Plan of operation as described in application fits with the appearance of the operation as laid out during walk through.

Comments:

Due to time constraints of this process the Inspectors did not receive a copy of the program plan of operation prior to the inspection. Therefore, the following is a narrative of the basic operation as explained to the Inspectors at the time of the inspection.

Turning Winds Academic Institute (Turning Winds) is a therapeutic boarding school for teens. The students at Turning Winds are both male and female ranging from age 12 to 18 who are dealing with issues such as defiance, substance abuse, low self esteem, and adoption. Turning Winds indicated their goal is to rescue teens from crisis, renew their belief in their own potential, and reunite them with their families. Turning Winds has a total of 29 staff, including a part time nurse, several direct care staff, 3 certified teachers, 3 therapists and various administrative staff. Children receive one on one counseling sessions, nightly group sessions led by a counselor, and an education through a program that is fully accredited by Northwest Association of Accredited Schools.

2.

☒☐

The number of program participants is consistent with information submitted with application and provided by Administrator.

Comments:

The current number of children enrolled is 45, which includes 14 girls and 31 boys.

3.

☐☒

Premise does not contain an area that could be used for corporal punishment, isolation or the ability to inflict physical pain as a disciplinary measure.

Comments:

No area was viewed. This information was confirmed through staff and participant interviews.

4.

☒☐

Buildings are equipped with fire extinguishers, emergency exits plans and smoke detectors that are placed conspicuously.

Comments: In addition to the fire extinguishers, emergency exit plans and smoke detectors, the main building includes fire alarm pulls and a closed circuit camera system in all the public areas. The secondary housing structure for the girls does not contain the pull fire alarm system and did not have evacuation plans posted.

5



Any noted deficiencies in most recent Deputy State Fire Marshalls report have been addressed.

Comments: Deputy State Fire Marshall has inspected the main building and no discrepancies were noted. The Fire Marshall has not been invited to inspect the secondary girls housing location.

6.



Program facilities are free from any major notable safety hazards or defects.

Comments: No noted hazards. Cleaning supplies and bathroom supplies are kept in locked cabinets.

7.



If program is required to have periodic water quality testing and septic maintenance, verify these inspections are current.

Comments: Water inspection ok. Commercial septic system installed and approved by DEQ.

8.



Facility contains an adequately supplied first aid kit which is maintained and in good working order.

Comments: First aid kit at nurses medical cart.

9.



Area medications are stored in a controlled area with limited access.

Comments: Medications are dispensed by nurse and kept in locked cart. Keys to cart are locked in safe.

10.



Food preparation and serving areas are adequate to ensure nutritional needs of participants are met.

Comments: All areas appeared adequate. Menus are developed and approved by nutritionalist.

11.



Food preparation areas are operated in a clean and safe manner with all equipment, storage and serving tools in good working order.

Comments:

All areas appeared clean. Equipment and tools seemed in good working order. The Inspectors visited the location and viewed the food service for lunch which appeared ample. Cisco foods was brought in to help with food service rotation, storage and policies which are posted in the pantry.

12.



Vehicles used to transport participants and staff has emergency information contained in the vehicle. (Name, address, telephone of program and emergency phone numbers)

Comments:

Emergency information was all contained in the vehicles. The vehicles used for transport of children include three passenger vehicles. Each vehicle contains a first aid kit.

13.



Verified if any newly constructed buildings or remodeling has been done with the last 18-24 months. If so, determine if building, plumbing and electrical permits were received and proper inspections done upon completion of project.

Comments:

The main facility is completely self sufficient for energy purposes. They have Department of Environmental Quality (DEQ) inspected and approved underground propane tanks which allows generators and battery packs to power and heat the facility. They informed the Inspectors they would be installing solar panels shortly that would replace up to 95% of the current propane they use.

The kitchen facility was being remodeled at the time of inspection, all permits had been obtained.

The secondary housing for the girls is located about five miles down the road from the main facility. This house was originally built for use as a private residence. The building has not been inspected by the Fire Marshall and has not received a permit for the change of use from the state Building Inspector.

Administrator Interview:

1.

Y

N

☒☐

Administrator explained policy for contraband check, including the circumstances in which searches will be conducted and the training of staff conducting search.

Comments:

The program is given written authorization to conduct searches for contraband of the children. All of the belongings are gone through at the time they arrive. No physical search is conducted. Students are taken to a private room and a partial strip search is done with two staff members present (female staff for female students and male staff for male students). Training for staff to complete this occurs with 90 days on the job training where the staff member just observes and shadows a more experienced staff member to see how different situations are handled.

2.

☒☐

Reviewed with Administrator at least two personnel files of employee's to verify background checks are on file and fingerprint checks have been performed.

Comments:

Everything appeared to be in order.

3.

☒☐

Reviewed with Administrator at least two program participants files to verify they are kept within accordance of programs policy and federal and state laws for privacy.

Comments:

Kept in locked cabinet with limited access.

4.

☒☐

Reviewed with Administrator at least two program participant's files to verify that each has an individual treatment plan in place. (at least one different from above two)

Comments:

Individual plans and therapy notes were contained in the files.

5.

☒☐

Review medication dispensation log to verify that kept up to date including information on missed or refused dosages and medication changes.

Comments:

Medication log was current.

6.

☐

Verify with Administrator that copies of all professional staff certifications are maintained on the premise.

Comments: Professional staff certifications contained in the files Inspectors examined.

Staff Interviews – combined answers of two staff:

1.



N



Staff explained definition of inappropriate and appropriate behaviors of program participants.

Comments: inappropriate behaviors are explained as not following the rules, respecting other student and staff, and not completing assigned school or therapy work.

2.

☐

Staff explained acceptable and unacceptable responses to inappropriate behaviors as well as acceptable consequences to inappropriate behaviors.

Comments: Students suffer consequences for not following rules. The consequences try to mirror the action as much as possible but privileges are lost. The program calls this LOGP (loss of group privileges). Staff attempt to use positive and negative reinforcement and get kids involved in positive peer pressure.

3.

☐

Staff verified training in these areas has occurred and does reoccur at least annually.

Comments: Staff attends monthly staff meetings, therapists help with different strategies to modify behaviors.

4.

☐

Staff verified the purpose of physical labor (not for the sole purpose of punishment).

Comments: Staff indicated that students do perform physical labor but that the purpose is generally for team building.

5.

☐

Staff verified necessary food, clothing, bedding, rest, toilet use or bathing facilities are not denied to participants as a form of punishment.

Comments:

Food, clothing and other necessities are not withheld from students. Students on LOGP are the last to bathe, but these items are not withheld.

6.

☐

Staff verified that verbal abuse, ridicule, humiliation, profanity, threats or other forms of degradation are not directed at participants or their families.

Comments:

Staff indicated this type of behavior is not tolerated.

7.

☐

Staff verified denial of visits or communication with parents/guardians does not occur for the sole purpose of punishment (program guidelines, activities, plans or court orders may require short periods where communication cannot occur).

Comments:

Staff explained communication may be restricted depending on the level the child is currently at within the program and initial intake has some limits on communication but not for punishment.

8.

☐

Locked confinements or placing participants in a locked room for non therapeutic purposes are not used.

Comments:

Not used.

9.

☐

The administration of medication for disciplinary purposes, the convenience of staff or as a substitute for treatment services is not done.

Comments:

Staff verified medication is only dispensed as prescribed.

10.

☐

Staff verified all punishment given to a participant is done with at least two staff members present.

Comments:

No physical punishment occurs. Punishments are by loss of privileges. Program policy is never to be alone with students.

11. ☒ ☐ Physical or mental suffering including pain to force compliance does not occur.

Comments: Staff verified this does not occur, again the programs approach is a hands-off.

12. ☒ ☐ The use of passive restraint is explained and falls within the program rules (only used in a situation when an imminent threat to the participant, staff or others and only by trained staff – CPI and MANDT).

Comments: Staff is trained in CPI, physical restraint is a last resort.

13. ☒ ☐ Staff explained use of short term time out for behavior modification methods employed at the facility.

Comments: Staff explained loss of group privileges as described above.

14. ☒ ☐ Staff explained procedures for handling emergency situations such as suicide threat/attempt, assault or runaway.

Comments: Emergency numbers are posted, transport to mental health facility for evaluation if needed.

Participant Interviews – combined answers of two participants

1.
Y N
☒ ☐ Participant explained how staff deals with inappropriate and appropriate behaviors of program participants.

Comments: The students confirmed loss of group privileges which allows for time to reflect on situation. Explained if the situation is more severe a level may be lost. The level system allows for reward days such as Friday.

2. ☒ ☐ Participant acknowledges have access to routine and emergent medical services as needed, including mental health services.

Comments: Both students agreed services are available. Mental health services occur during regular weekly sessions and nightly group.

3. ☒ ☐ Verified participant received handbook outlining expectations and acceptable standards of the program.

Comments: Both agreed they received handbook.

4. ☒ ☐ Participant verified the purpose of physical labor (not for the sole purpose of punishment).

Comments: Students indicated that the work projects are done in an effort to build self esteem and team work. One stated they looked at it as a privilege.

5. ☒ ☐ Participant verified necessary food, clothing, bedding, rest, toilet use or bathing facilities are not denied to participants as a form of punishment.

Comments: Food is good.

6. ☒ ☐ Participant verified that verbal abuse, ridicule, humiliation, profanity, threats or other forms of degradation are not directed at participants or their families.

Comments: Does not occur.

7. ☒ ☐ Participant verified denial of visits or communication with parents/guardians does not occur for the sole purpose of punishment (program guidelines, activities, plans or court orders may require short periods where communication cannot occur).

Comments: Students get weekly letters and calls every other week. Phone privileges can be lost if you lose a level.

8. ☐ ☒ Locked confinements or placing participants in a locked room for non therapeutic purposes are not used.

Comments: No such place.

9. ☒ ☐ The administration of medication for disciplinary purposes, the convenience of staff or as a substitute for treatment services in not done.

Comments: Does not happen.

10. ☒ ☒ Participant verified all punishment given to a participant is done with at least two staff members present. Determine if corporal punishment is used.

Comments: Physical punishment does not occur, students never alone with one staff member.

11. ☒ ☐ Physical or mental suffering including pain to force compliance does not occur.

Comments: Does not happen.

12. ☒ ☐ The use of passive restraint is explained and falls within the program rules (only used in a situation when an imminent threat to the participant, staff or others and only by trained staff – CPI and MANDT).

Comments: One student confirmed staff only uses passive restraint when other means do not work. The other student has never witnessed a need for this.

13. ☒ ☐ Participant explained use of short term time out for behavior modification methods employed at the facility.

Comments: Explained loss of group privileges.

Program Inspection Reports 2013

Report of Inspection

at the request of

The Private Alternative Adolescent Residential Program

Program: Building Bridges
100 Graves Creek Rd
Thompson Falls MT

Inspector: Amber Carpenter
William W. Wood

Date of Inspection: November 4, 2013

Site Inspection:

1.

Y

N



Plan of operation as described in application fits with the appearance of the operation as laid out during walk through.

Comments: Building Bridges is an alternative residential program for boys ranging in age from 14 to 18 years old. The program attempts to integrate the students back into the public school system where they will have normal interactions and peer pressure with the tools to deal with those issues.

2.



The number of program participants is consistent with information submitted with application and provided by Administrator.

Comments: 16 students are in residence at this time.

3.

☐☒

Premise does not contain an area that could be used for corporal punishment, isolation or the ability to inflict physical pain as a disciplinary measure.

Comments: No area was viewed. This information was confirmed through staff and participant interviews.

4.

☒☐

Buildings are equipped with fire extinguishers, emergency exits plans and smoke detectors that are placed conspicuously.

Comments: Fire extinguishers and smoke detectors where present in both houses.

5.

☒☐

Any noted deficiencies in most recent Deputy State Fire Marshalls report have been addressed.

Comments: None.

6.

☒☐

Program facilities are free from any major notable safety hazards or defects.

Comments: No major hazards noted.

7.

☒☐

If program is required to have periodic water quality testing and septic maintenance, verify these inspections are current.

Comments: Septic system pumped annually.

8.

☒☐

Facility contains an adequately supplied first aid kit which is maintained and in good working order.

Comments: First aid kit in staff office.

9.

☒☐

Area medications are stored is a controlled area with limited access.

Comments: Medications are kept in locked staff room. Access to this room is limited to certain staff.

10.

☐

Food preparation and serving areas are adequate to ensure nutritional needs of participants are met.

Comments: All areas appeared adequate. Boys rotate as a group to make pre-planned dinners.

11.

☐☐

Food preparation areas are operated in a clean and safe manner with all equipment, storage and serving tools in good working order.

Comments:

12.

☐☐

Vehicles used to transport participants and staff has emergency information contained in the vehicle. (Name, address, telephone of program and emergency phone numbers)

Comments:

13.

☐☐

Verified if any newly constructed buildings or remodeling has been done with the last 18-24 months. If so, determine if building, plumbing and electrical permits were received and proper inspections done upon completion of project.

Comments: Garage area turned into a recreation room with the help of the boys doing some light construction, all electrical work contracted out, inspection was completed with no noted issues.

Administrator Interview:

1.

Y

N

☐☐

Administrator explained policy for contraband check, including the circumstances in which searches will be conducted and the training of staff conducting search.

Comments: Random searches through the backpacks of kids attending public school occurs and random tests for drugs.

2.

☐☐

Reviewed with Administrator at least two personnel files of employee's to verify background checks are on file and fingerprint checks have been performed.

Comments: Everything appeared to be in order.

3.

☒ ☐

Reviewed with Administrator at least two program participants files to verify they are kept within accordance of programs policy and federal and state laws for privacy.

Comments: Kept in administrative offices, limited access.

4.

☒ ☐

Reviewed with Administrator at least two program participant's files to verify that each has an individual treatment plan in place. (at least one different from above two)

Comments: Individual plans and therapy notes were contained in the files.

5.

☒ ☐

Review medication dispensation log to verify that kept up to date including information on missed or refused dosages and medication changes.

Comments: Medication log was current.

6.

☒ ☐

Verify with Administrator that copies of all professional staff certifications are maintained on the premise.

Comments: Professional staff certifications contained in the files Inspectors examined.

Staff Interviews – only one staff member available for interview:

1.

Y N

☒ ☐

Staff explained definition of inappropriate and appropriate behaviors of program participants.

Comments:

2. ☒ ☐ Staff explained acceptable and unacceptable responses to inappropriate behaviors as well as acceptable consequences to inappropriate behaviors.

Comments: Rewards for working their program include greater trust, internet and email privileges, there is not level system.

3. ☒ ☐ Staff verified training in these areas has occurred and does reoccur at least annually.

Comments: Staff is provided with a packet of goals and rules of the program. All staff CPR trained and get on the job training for specific issues.

4. ☒ ☐ Staff verified the purpose of physical labor (not for the sole purpose of punishment).

Comments: Staff indicated that students do perform physical labor but that the purpose is for therapeutic purposes – energy hours and overtime.

5. ☒ ☐ Staff verified necessary food, clothing, bedding, rest, toilet use or bathing facilities are not denied to participants as a form of punishment.

Comments:

6. ☒ ☐ Staff verified that verbal abuse, ridicule, humiliation, profanity, threats or other forms of degradation are not directed at participants or their families.

Comments:

7. ☒ ☐ Staff verified denial of visits or communication with parents/guardians does not occur for the sole purpose of punishment (program guidelines, activities, plans or court orders may require short periods where communication cannot occur).

Comments:

8. ☒ ☐ Locked confinements or placing participants in a locked room for non therapeutic purposes are not used.

Comments: Not used.

9.

☐

The administration of medication for disciplinary purposes, the convenience of staff or as a substitute for treatment services is not done.

Comments: Staff verified medication is only dispensed as prescribed.

10.

☐

Staff verified all punishment given to a participant is done with at least two staff members present.

Comments: No physical punishment occurs.

11.

☐

Physical or mental suffering including pain to force compliance does not occur.

Comments: Staff verified this does not occur.

12.

☐

The use of passive restraint is explained and falls within the program rules (only used in a situation when an imminent threat to the participant, staff or others and only by trained staff – CPI and MANDT).

Comments:

13.

☐

Staff explained use of short term time out for behavior modification methods employed at the facility.

Comments:

14.

☐

Staff explained procedures for handling emergency situations such as suicide threat/attempt, assault or runaway.

Comments: Emergency numbers are posted, assign a buddy to be with them at all time. Will send to facility if needed and then bring back to program when more stable.

Participant Interviews – combined answers of two participants

1.

Y

N

☒☐

Participant explained how staff deals with inappropriate and appropriate behaviors of program participants.

Comments:

Students mentioned progression through 12 step program and getting privileges such as email and ipod when they are meeting the expectations of the program.

2.

☒☐

Participant acknowledges have access to routine and emergent medical services as needed, including mental health services.

Comments:

Both students agreed services are available. Mental health services occur during regular weekly sessions and nightly group.

3.

☒☐

Verified participant received handbook outlining expectations and acceptable standards of the program.

Comments:

A print out of the rules was gone through when first arrived.

4.

☒☐

Participant verified the purpose of physical labor (not for the sole purpose of punishment).

Comments:

Students indicated that the work projects are part of their therapy and a learning experience.

5.

☒☐

Participant verified necessary food, clothing, bedding, rest, toilet use or bathing facilities are not denied to participants as a form of punishment.

Comments:

Food is good.

6.

☒☐

Participant verified that verbal abuse, ridicule, humiliation, profanity, threats or other forms of degradation are not directed at participants or their families.

Comments:

Does not occur. Good relationship with staff.

7. ☒ ☐ Participant verified denial of visits or communication with parents/guardians does not occur for the sole purpose of punishment (program guidelines, activities, plans or court orders may require short periods where communication cannot occur).

Comments:

8. ☒ ☐ Locked confinements or placing participants in a locked room for non therapeutic purposes are not used.

Comments: No such place.

9. ☒ ☐ The administration of medication for disciplinary purposes, the convenience of staff or as a substitute for treatment services in not done.

Comments: Does not happen.

10. ☒ ☒ Participant verified all punishment given to a participant is done with at least two staff members present. Determine if corporal punishment is used.

Comments: Physical punishment does not occur.

11. ☒ ☐ Physical or mental suffering including pain to force compliance does not occur.

Comments: Does not happen.

12. ☒ ☐ The use of passive restraint is explained and falls within the program rules (only used in a situation when an imminent threat to the participant, staff or others and only by trained staff – CPI and MANDT).

Comments: No physical.

13. ☒ ☐ Participant explained use of short term time out for behavior modification methods employed at the facility.

Comments:

Report of Inspection

at the request of

The Private Alternative Adolescent Residential Program

Program: Explorations
119 S Hills Rd
Trout Creek MT

Inspector: Amber Carpenter
William W. Wood

Date of Inspection: August 8, 2013

Site Inspection:

1.
Y N
☒ ☒ Plan of operation as described in application fits with the appearance of the operation as laid out during walk through.

Comments: Explorations is a 12 month residential program (they no longer do a summer outdoor component). The program has also gone from boys only to co-ed.

2.
☒ ☐ The number of program participants is consistent with information submitted with application and provided by Administrator.

Comments: 9 students are in residence at this time.

3.
☐ ☒ Premise does not contain an area that could be used for corporal punishment, isolation or the ability to inflict physical pain as a disciplinary measure.

Comments: No area was viewed. This information was confirmed through staff and participant interviews.

4. ☒ ☐ Buildings are equipped with fire extinguishers, emergency exits plans and smoke detectors that are placed conspicuously.

Comments: Fire extinguisher maintenance was out of date.

5. ☐ ☒ Any noted deficiencies in most recent Deputy State Fire Marshalls report have been addressed.

Comments: The Inspectors were told that the Deputy State Fire Marshall had not inspected the new construction completed on the main building. But she had been called to schedule an inspection.

6. ☒ ☐ Program facilities are free from any major notable safety hazards or defects.

Comments: No major hazards noted.

7. ☒ ☐ If program is required to have periodic water quality testing and septic maintenance, verify these inspections are current.

Comments: No water inspection needed, septic system pumped annually.

8. ☒ ☐ Facility contains an adequately supplied first aid kit which is maintained and in good working order.

Comments: First aid kit in staff office.

9. ☒ ☐ Area medications are stored in a controlled area with limited access.

Comments: Medications are kept in locked staff room. Access to this room is limited to certain staff.

10. ☒ ☐ Food preparation and serving areas are adequate to ensure nutritional needs of participants are met.

Comments: All areas appeared adequate.

11. ☒ ☐ Food preparation areas are operated in a clean and safe manner with all equipment, storage and serving tools in good working order.

Comments: Equipment and tools seemed in good working order.

12. ☒ ☐ Vehicles used to transport participants and staff has emergency information contained in the vehicle. (Name, address, telephone of program and emergency phone numbers)

Comments: Emergency information was all contained in the vehicles. The vehicles used for transport of children include passenger vehicles, run kits in each vehicle that contain information on each child with release for treatment.

13. ☐ ☒ Verified if any newly constructed buildings or remodeling has been done with the last 18-24 months. If so, determine if building, plumbing and electrical permits were received and proper inspections done upon completion of project.

Comments: Some new construction (decking, hot tub, egress windows) has occurred. Permits were acquired and inspection with Fire Marshall has been scheduled.

Administrator Interview:

1. Y N
☒ ☐ Administrator explained policy for contraband check, including the circumstances in which searches will be conducted and the training of staff conducting search.

Comments: The program is given written authorization to conduct searches for contraband of the children. No physical search is conducted. Random tests for drugs.

2. ☒ ☐ Reviewed with Administrator at least two personnel files of employee's to verify background checks are on file and fingerprint checks have been performed.

Comments: Everything appeared to be in order.

3. ☒ ☐ Reviewed with Administrator at least two program participants files to verify they are kept within accordance of programs policy and federal and state laws for privacy.

Comments: Kept in administrative offices, limited access.

4. ☐ ☒ Reviewed with Administrator at least two program participant's files to verify that each has an individual treatment plan in place. (at least one different from above two)

Comments: Individual plans and therapy notes were not contained in the files.

5. ☒ ☐ Review medication dispensation log to verify that kept up to date including information on missed or refused dosages and medication changes.

Comments: Medication log was current.

6. ☒ ☐ Verify with Administrator that copies of all professional staff certifications are maintained on the premise.

Comments: Professional staff certifications contained in the files Inspectors examined.

Staff Interviews – only one staff member available for interview:

1.
Y N
☒ ☐ Staff explained definition of inappropriate and appropriate behaviors of program participants.

Comments:

2.

☐

Staff explained acceptable and unacceptable responses to inappropriate behaviors as well as acceptable consequences to inappropriate behaviors.

Comments:

3.

☐

Staff verified training in these areas has occurred and does reoccur at least annually.

Comments:

Staff is CPR or CPR wilderness trained and get on the job training for specific issues.

4.

☐

Staff verified the purpose of physical labor (not for the sole purpose of punishment).

Comments:

Staff indicated that students do perform physical labor but that the purpose is for therapeutic purposes – energy hours.

5.

☐

Staff verified necessary food, clothing, bedding, rest, toilet use or bathing facilities are not denied to participants as a form of punishment.

Comments:

Food, clothing and other necessities are not withheld from students.

6.

☐

Staff verified that verbal abuse, ridicule, humiliation, profanity, threats or other forms of degradation are not directed at participants or their families.

Comments:

Staff indicated this type of behavior is not tolerated.

7.

☐

Staff verified denial of visits or communication with parents/guardians does not occur for the sole purpose of punishment (program guidelines, activities, plans or court orders may require short periods where communication cannot occur).

Comments:

8.

☐

Locked confinements or placing participants in a locked room for non therapeutic purposes are not used.

Comments: Not used.

9.

☐

The administration of medication for disciplinary purposes, the convenience of staff or as a substitute for treatment services is not done.

Comments: Staff verified medication is only dispensed as prescribed.

10.

☐

Staff verified all punishment given to a participant is done with at least two staff members present.

Comments: No physical punishment occurs.

11.

☐

Physical or mental suffering including pain to force compliance does not occur.

Comments: Staff verified this does not occur.

12.

☐

The use of passive restraint is explained and falls within the program rules (only used in a situation when an imminent threat to the participant, staff or others and only by trained staff – CPI and MANDT).

Comments: Neither staff has been trained but is aware of passive restraint methods.

13.

☐

Staff explained use of short term time out for behavior modification methods employed at the facility.

Comments: Staff explained some isolation from group to think through issue and then discussions with staff to help.

14.

☐

Staff explained procedures for handling emergency situations such as suicide threat/attempt, assault or runaway.

Comments:

Participant Interviews – combined answers of two participants

1.

Y

N

☒☐

Participant explained how staff deals with inappropriate and appropriate behaviors of program participants.

Comments:

2.

☒☐

Participant acknowledges have access to routine and emergent medical services as needed, including mental health services.

Comments:

3.

☒☐

Verified participant received handbook outlining expectations and acceptable standards of the program.

Comments:

Didn't receive handbook but the rules were gone through by staff and students

4.

☒☐

Participant verified the purpose of physical labor (not for the sole purpose of punishment).

Comments:

5.

☒☐

Participant verified necessary food, clothing, bedding, rest, toilet use or bathing facilities are not denied to participants as a form of punishment.

Comments:

Food is good.

6.

☒☐

Participant verified that verbal abuse, ridicule, humiliation, profanity, threats or other forms of degradation are not directed at participants or their families.

Comments:

Does not occur.

7.

☒☐

Participant verified denial of visits or communication with parents/guardians does not occur for the sole purpose of punishment (program guidelines, activities, plans or court orders may require short periods where communication cannot occur).

Comments:

8.



Locked confinements or placing participants in a locked room for non therapeutic purposes are not used.

Comments:

No such place.

9.



The administration of medication for disciplinary purposes, the convenience of staff or as a substitute for treatment services in not done.

Comments:

Does not happen.

10.



Participant verified all punishment given to a participant is done with at least two staff members present. Determine if corporal punishment is used.

Comments:

Physical punishment does not occur.

11.



Physical or mental suffering including pain to force compliance does not occur.

Comments:

Does not happen.

12.



The use of passive restraint is explained and falls within the program rules (only used in a situation when an imminent threat to the participant, staff or others and only by trained staff – CPI and MANDT).

Comments:

No physical.

13.



Participant explained use of short term time out for behavior modification methods employed at the facility.

Comments:

Report of Inspection

at the request of

The Private Alternative Adolescent Residential Program

Program: Galena Ridge
Trout Creek MT

Inspector: Amber Carpenter
William W. Wood

Date of Inspection: August 8, 2013

Site Inspection:

1.

Y

N

☒☐

Plan of operation as described in application fits with the appearance of the operation as laid out during walk through.

Comments:

Galena Ridge is an outdoor wilderness program which according to its plan of operation operates in the summer months only. Upon visiting the program, it was found that the program has maintained some of its students through the winter in 2012-2013 and intended to do the same this winter season. A building has been constructed on the site that housed the program participant (s) through the winter. This building does not have running water and outdoor facilities are used year round. The building has not been inspected or permitted and was built by participants.

2.

☒☐

The number of program participants is consistent with information submitted with application and provided by Administrator.

Comments:

3. ☐ ☒ Premise does not contain an area that could be used for corporal punishment, isolation or the ability to inflict physical pain as a disciplinary measure.

Comments: No area was viewed. Children don't remain at base camp except to re-supply.

4. ☒ ☐ Review list of currently enrolled participants.

Comments:

5. ☒ ☐ Interview Program Director regarding responsibilities and role of Field Director to verify quality of field activities, coordinating of field operations and compliance with applicable licensing rules while in the field.

Comments: Information obtained appeared to be in compliance.

6. ☒ ☐ Interview with Field Director to ensure staff members are familiar with all field program policies/procedures, field director has at least a BA or one year outdoor program experience, hold wilderness first aid and all other staff certified in first aid and CPR.

Comments: Information obtained appeared to be in compliance.

7. ☒ ☐ Verify staff training records include program policies/procedures, child abuse reporting and laws, low impact camping, confidentiality, medical protocols, and emergency procedures (suicide prevention, documentation, de-escalation of crisis situations and passive physical restraint, avoiding potential hazards of the expedition areas and emergency evacuation procedures).

Comments: All records appeared to be in order.

8. ☒ ☐ Review at least two participant's files to determine that the age of the participant's is in the range of those claimed to be served in the program outline, current health history on file for participant's including medications and physical examination by a licensed provider within 6 months..

Comments:

9.



Verify medical release forms for each participant are kept with field staff providing direct care.

Comments:

10.



Verify participant to staff ratio does not exceed 20 participants to one staff.

Comments: Ratio less than 4 to 1.

11.



Enquire as to what methods are used to ensure safe drinking water.

Comments: Program uses oxygen drops.

Report of Inspection

at the request of

The Private Alternative Adolescent Residential Program

Program: Mountain Meadows
396 Big Beaver Creek Rd
Trout Creek MT

Inspector: Amber Carpenter
William W. Wood

Date of Inspection: November 4, 2013

Site Inspection:

1.

Y

N

☒☐

Plan of operation as described in application fits with the appearance of the operation as laid out during walk through.

Comments:

Mountain Meadow is an alternative residential home for troubled teenage boys. The majority of the boys in the program attend the local public schools. Currently four boys are being home schooled.

2.

☒☐

The number of program participants is consistent with information submitted with application and provided by Administrator.

Comments:

9 students are in residence at this time.

3.

☐ ☒ Premise does not contain an area that could be used for corporal punishment, isolation or the ability to inflict physical pain as a disciplinary measure.

Comments: No area was viewed.

4. ☒ ☐ Buildings are equipped with fire extinguishers, emergency exits plans and smoke detectors that are placed conspicuously.

Comments: Everything required was present.

5. ☒ ☐ Any noted deficiencies in most recent Deputy State Fire Marshalls report have been addressed.

Comments: Nothing new.

6. ☒ ☐ Program facilities are free from any major notable safety hazards or defects.

Comments: No major hazards noted.

7. ☒ ☐ If program is required to have periodic water quality testing and septic maintenance, verify these inspections are current.

Comments:

8. ☒ ☐ Facility contains an adequately supplied first aid kit which is maintained and in good working order.

Comments: First aid kit in house and cars.

9. ☒ ☐ Area medications are stored in a controlled area with limited access.

Comments: Medications are kept in locked room. Access to this room is limited.

10. ☒ ☐ Food preparation and serving areas are adequate to ensure nutritional needs of participants are met.

Comments: All areas appeared adequate.

11.



Food preparation areas are operated in a clean and safe manner with all equipment, storage and serving tools in good working order.

Comments: Equipment and tools seemed in good working order.

12.



Vehicles used to transport participants and staff has emergency information contained in the vehicle. (Name, address, telephone of program and emergency phone numbers)

Comments: Emergency information was all contained in the vehicles. The vehicles used for transport of children include passenger vehicles, each vehicle contains information on each child with release for treatment.

13.



Verified if any newly constructed buildings or remodeling has been done with the last 18-24 months. If so, determine if building, plumbing and electrical permits were received and proper inspections done upon completion of project.

Comments:

Administrator Interview:

1.

Y

N



Administrator explained policy for contraband check, including the circumstances in which searches will be conducted and the training of staff conducting search.

Comments: The program is given written authorization to conduct searches for contraband of the children. No physical search is conducted.

2.



Reviewed with Administrator at least two personnel files of employee's to verify background checks are on file and fingerprint checks have been performed.

Comments: Only staff members are Joe and Marilyn and their daughter, son and daughter-in-law. They are all members of the corporation and not paid staff.

3. ☒ ☐

Reviewed with Administrator at least two program participants files to verify they are kept within accordance of programs policy and federal and state laws for privacy.

Comments: Kept in administrative offices, limited access.

4. ☐ ☒

Reviewed with Administrator at least two program participant's files to verify that each has an individual treatment plan in place. (at least one different from above two)

Comments:

5. ☒ ☐

Review medication dispensation log to verify that kept up to date including information on missed or refused dosages and medication changes.

Comments: Medication log was current.

6. ☒ ☐

Verify with Administrator that copies of all professional staff certifications are maintained on the premise.

Comments:

Staff Interviews – no staff members available for interview, asked Jo/Marilyn:

1. Y N

☒ ☐

Staff explained definition of inappropriate and appropriate behaviors of program participants.

Comments: Inappropriate behavior was explained as not following the rules, completing chores, and schoolwork. While working within the rules and guidelines of the program was appropriate.

2. ☒ ☐

Staff explained acceptable and unacceptable responses to inappropriate behaviors as well as acceptable consequences to inappropriate behaviors.

Comments:

3.

☒ ☐

Staff verified training in these areas has occurred and does reoccur at least annually.

Comments:

4.

☒ ☐

Staff verified the purpose of physical labor (not for the sole purpose of punishment).

Comments:

5.

☒ ☐

Staff verified necessary food, clothing, bedding, rest, toilet use or bathing facilities are not denied to participants as a form of punishment.

Comments: Food, clothing and other necessities are not withheld from students.

6.

☒ ☐

Staff verified that verbal abuse, ridicule, humiliation, profanity, threats or other forms of degradation are not directed at participants or their families.

Comments: Indicated this type of behavior is not tolerated.

7.

☒ ☐

Staff verified denial of visits or communication with parents/guardians does not occur for the sole purpose of punishment (program guidelines, activities, plans or court orders may require short periods where communication cannot occur).

Comments: Explained communication not withheld.

8.

☒ ☐

Locked confinements or placing participants in a locked room for non therapeutic purposes are not used.

Comments: Not used.

9.

☒ ☐

The administration of medication for disciplinary purposes, the convenience of staff or as a substitute for treatment services is not done.

Comments: Medication is only dispensed as prescribed.

10. ☒ ☐ Staff verified all punishment given to a participant is done with at least two staff members present.

Comments: No physical punishment occurs.

11. ☒ ☐ Physical or mental suffering including pain to force compliance does not occur.

Comments: Verified this does not occur.

12. ☒ ☐ The use of passive restraint is explained and falls within the program rules (only used in a situation when an imminent threat to the participant, staff or others and only by trained staff – CPI and MANDT).

Comments:

13. ☒ ☐ Staff explained use of short term time out for behavior modification methods employed at the facility.

Comments:

14. ☒ ☐ Staff explained procedures for handling emergency situations such as suicide threat/attempt, assault or runaway.

Comments: Emergency policy followed.

Participant Interviews – combined answers of two participants

1.
Y N
☒ ☐ Participant explained how staff deals with inappropriate and appropriate behaviors of program participants.

Comments:

2. ☒ ☐ Participant acknowledges have access to routine and emergent medical services as needed, including mental health services.

Comments: Agreed services are available

3. ☒ ☐ Verified participant received handbook outlining expectations and acceptable standards of the program.

Comments:

4. ☒ ☐ Participant verified the purpose of physical labor (not for the sole purpose of punishment).

Comments: Students indicated that the work projects are part of their therapy and a learning experience.

5. ☒ ☐ Participant verified necessary food, clothing, bedding, rest, toilet use or bathing facilities are not denied to participants as a form of punishment.

Comments: Food is good

6. ☒ ☐ Participant verified that verbal abuse, ridicule, humiliation, profanity, threats or other forms of degradation are not directed at participants or their families.

Comments: Does not occur. Good relationship with staff.

7. ☒ ☐ Participant verified denial of visits or communication with parents/guardians does not occur for the sole purpose of punishment (program guidelines, activities, plans or court orders may require short periods where communication cannot occur).

Comments: Students get calls every two weeks to parents.

8. ☒ ☐ Locked confinements or placing participants in a locked room for non therapeutic purposes are not used.

Comments: No such place.

9.



The administration of medication for disciplinary purposes, the convenience of staff or as a substitute for treatment services in not done.

Comments: Does not happen.

10.



Participant verified all punishment given to a participant is done with at least two staff members present. Determine if corporal punishment is used.

Comments: Physical punishment does not occur.

11.



Physical or mental suffering including pain to force compliance does not occur.

Comments: Does not happen.

12.



The use of passive restraint is explained and falls within the program rules (only used in a situation when an imminent threat to the participant, staff or others and only by trained staff – CPI and MANDT).

Comments: No physical.

13.



Participant explained use of short term time out for behavior modification methods employed at the facility.

Comments:

Report of Inspection

at the request of

The Private Alternative Adolescent Residential Program

Program: Wood Creek
Thompson Falls MT

Inspector: Amber Carpenter
William W. Wood

Date of Inspection: August 7, 2013

Site Inspection:

1.

Y

N



Plan of operation as described in application fits with the appearance of the operation as laid out during walk through.

Comments: Wood Creek school for troubled teen boys ranging in age from 13 to 17. Many of the boys who attend this program are there as a last resort to jail or another juvenile program. The school operates 12 months out of the year in order to help these boys catch up as most are very far behind in their studies. The program utilizes a 12 step program along with academics and community service.

2.



The number of program participants is consistent with information submitted with application and provided by Administrator.

Comments:

3.

☐☒

Premise does not contain an area that could be used for corporal punishment, isolation or the ability to inflict physical pain as a disciplinary measure.

Comments: No area was viewed. This information was confirmed through staff and participant interviews.

4.

☒☐

Buildings are equipped with fire extinguishers, emergency exits plans and smoke detectors that are placed conspicuously.

Comments: All buildings have the required emergency exit plans, smoke detectors, and fire extinguishers.

5.

☒☐

Any noted deficiencies in most recent Deputy State Fire Marshalls report have been addressed.

Comments: Deputy State Fire Marshall has inspected the building and no discrepancies were noted.

6.

☒☐

Program facilities are free from any major notable safety hazards or defects.

Comments: No noted hazards.

7.

☒☐

If program is required to have periodic water quality testing and septic maintenance, verify these inspections are current.

Comments: Water inspection done annually.

8.

☒☐

Facility contains an adequately supplied first aid kit which is maintained and in good working order.

Comments: First aid kit in staff office, kitchen and vehicles.

9.

☒☐

Area medications are stored in a controlled area with limited access.

Comments: Medications are kept in locked storage room off staff office.

10. ☒ ☐ Food preparation and serving areas are adequate to ensure nutritional needs of participants are met.
- Comments: All areas appeared adequate. Food is prepared by staff cook and clean up is done by boys.
11. ☒ ☐ Food preparation areas are operated in a clean and safe manner with all equipment, storage and serving tools in good working order.
- Comments: All areas appeared clean. Equipment and tools seemed in good working order.
12. ☒ ☐ Vehicles used to transport participants and staff has emergency information contained in the vehicle. (Name, address, telephone of program and emergency phone numbers)
- Comments:
13. ☐ ☒ Verified if any newly constructed buildings or remodeling has been done with the last 18-24 months. If so, determine if building, plumbing and electrical permits were received and proper inspections done upon completion of project.
- Comments: No new construction since last visit.

Administrator Interview:

1. Y ☒ N ☐ Administrator explained policy for contraband check, including the circumstances in which searches will be conducted and the training of staff conducting search.
- Comments: Contracts with a transport company to transport kids. The transport company does a very good job of checking for contraband. Given authorization to search as needed from parents/guardians, complete partial strip search no physical contact.
2. ☒ ☐ Reviewed with Administrator at least two personnel files of employee's to verify background checks are on file and fingerprint checks have been performed.

Comments: Everything appeared to be in order.

3.

☒ ☐

Reviewed with Administrator at least two program participant's files to verify they are kept within accordance of programs policy and federal and state laws for privacy.

Comments: Kept in administrative offices, limited access.

4.

☒ ☒

Reviewed with Administrator at least two program participant's files to verify that each has an individual treatment plan in place. (at least one different from above two)

Comments: Individual plans and therapy notes were contained in the files, contract with LAC out of Libby who comes up every Friday. Treatment notes are with the LAC.

5.

☒ ☐

Review medication dispensation log to verify that kept up to date including information on missed or refused dosages and medication changes.

Comments: Medication log was current.

6.

☒ ☐

Verify with Administrator that copies of all professional staff certifications are maintained on the premise.

Comments: Professional staff certifications contained in the files Inspectors examined.

Staff Interviews – combined answers of two staff:

1.

Y N

☒ ☐

Staff explained definition of inappropriate and appropriate behaviors of program participants.

Comments: Inappropriate behavior was explained as not following the rules. Working within the rules and guidelines of the program was appropriate.

2.

☐

Staff explained acceptable and unacceptable responses to inappropriate behaviors as well as acceptable consequences to inappropriate behaviors.

Comments: Program utilizes a point system. Students not singled out in front of group, dealt with on individual basis.

3.

☐

Staff verified training in these areas has occurred and does reoccur at least annually.

Comments: Staff has daily meetings to discuss issues that came up that day and how to proceed in the future. Staff given on the job training and some self-defense training.

4.

☐

Staff verified the purpose of physical labor (not for the sole purpose of punishment).

Comments: All students participate in the work day. Some may be assigned additional tasks throughout the week if lower levels. Do a lot of community service work so the kids can understand how it is to give without expecting anything in return.

5.

☐

Staff verified necessary food, clothing, bedding, rest, toilet use or bathing facilities are not denied to participants as a form of punishment.

Comments: Food, clothing and other necessities are not withheld from students

6.

☐

Staff verified that verbal abuse, ridicule, humiliation, profanity, threats or other forms of degradation are not directed at participants or their families.

Comments: Staff indicated this type of behavior is not tolerated.

7.

☐

Staff verified denial of visits or communication with parents/guardians does not occur for the sole purpose of punishment (program guidelines, activities, plans or court orders may require short periods where communication cannot occur).

Comments: Communication is tied to their level system, must be at least level 2 to get or receive mail or phone calls.

8. ☒ ☐ Locked confinements or placing participants in a locked room for non therapeutic purposes are not used.

Comments: Not used.

9. ☒ ☐ The administration of medication for disciplinary purposes, the convenience of staff or as a substitute for treatment services in not done.

Comments: Staff verified medication is only dispensed as prescribed.

10. ☒ ☐ Staff verified all punishment given to a participant is done with at least two staff members present.

Comments: No physical punishment occurs.

11. ☒ ☐ Physical or mental suffering including pain to force compliance does not occur.

Comments: Staff verified this does not occur.

12. ☒ ☐ The use of passive restraint is explained and falls within the program rules (only used in a situation when an imminent threat to the participant, staff or others and only by trained staff – CPI and MANDT).

Comments: Staff is aware of CPI and MANDT.

13. ☒ ☐ Staff explained use of short term time out for behavior modification methods employed at the facility.

Comments: Staff explained if a student is really struggling they may ask them to step outside.

14. ☒ ☐ Staff explained procedures for handling emergency situations such as suicide threat/attempt, assault or runaway.

Comments:

Participant Interviews – combined answers of two participants

1.

Y

N

☒☐

Participant explained how staff deals with inappropriate and appropriate behaviors of program participants.

Comments: The students confirmed levels and points systems in place.

2.

☒☐

Participant acknowledges have access to routine and emergent medical services as needed, including mental health services.

Comments: Both students agreed services are available. Mental health services available on Fridays with LAC.

3.

☒☐

Verified participant received handbook outlining expectations and acceptable standards of the program.

Comments: Both agreed they did receive a handbook which includes their 12 step program as well.

4.

☒☐

Participant verified the purpose of physical labor (not for the sole purpose of punishment).

Comments: Students indicated that the work projects are done for the community or to help build self esteem among students.

5.

☒☐

Participant verified necessary food, clothing, bedding, rest, toilet use or bathing facilities are not denied to participants as a form of punishment.

Comments: Food is good.

6. ☒ ☐ Participant verified that verbal abuse, ridicule, humiliation, profanity, threats or other forms of degradation are not directed at participants or their families.

Comments: Students stated this does not occur.

7. ☒ ☐ Participant verified denial of visits or communication with parents/guardians does not occur for the sole purpose of punishment (program guidelines, activities, plans or court orders may require short periods where communication cannot occur).

Comments: Students get weekly calls once they reach a certain level.

8. ☒ ☐ Locked confinements or placing participants in a locked room for non therapeutic purposes are not used.

Comments: No such place.

9. ☒ ☐ The administration of medication for disciplinary purposes, the convenience of staff or as a substitute for treatment services in not done.

Comments: Does not happen.

10. ☒ ☒ Participant verified all punishment given to a participant is done with at least two staff members present. Determine if corporal punishment is used.

Comments: Physical punishment does not occur – points are lost.

11. ☒ ☐ Physical or mental suffering including pain to force compliance does not occur.

Comments: Does not happen.

12. ☒ ☐ The use of passive restraint is explained and falls within the program rules (only used in a situation when an imminent threat to the participant, staff or others and only by trained staff – CPI and MANDT).

Comments:

13.

☐

Participant explained use of short term time out for behavior modification methods employed at the facility.

Comments: Boys are told to go hold a tree – point is to try to get their emotions under control.

Program Inspection Reports 2016

Report of Inspection

at the request of

The Private Alternative Adolescent Residential Program

Program: Building Bridges
100 Graves Creek Rd
Thompson Falls MT

Inspector: Amber Carpenter
William W. Wood

Date of Inspection: May 17, 2016

Site Inspection:

1.

Y

N



Plan of operation as described in application fits with the appearance of the operation as laid out during walk through.

Comments: Building Bridges is an alternative residential program for boys ranging in age from 14 to 18 years old. The program attempts to integrate the students back into the public school system where they will have normal interactions and peer pressure with the tools to deal with those issues.

2.



The number of program participants is consistent with information submitted with application and provided by Administrator.

Comments: 16 students are in residence at this time.

3.

☐ ☒

Premise does not contain an area that could be used for corporal punishment, isolation or the ability to inflict physical pain as a disciplinary measure.

Comments: No area was viewed. This information was confirmed through staff and participant interviews.

4.

☒ ☐

Buildings are equipped with fire extinguishers, emergency exits plans and smoke detectors that are placed conspicuously.

Comments: Fire extinguishers and smoke detectors where present in both houses.

5.

☒ ☐

Any noted deficiencies in most recent Deputy State Fire Marshalls report have been addressed.

Comments: None.

6.

☒ ☐

Program facilities are free from any major notable safety hazards or defects.

Comments: No major hazards noted.

7.

☒ ☐

If program is required to have periodic water quality testing and septic maintenance, verify these inspections are current.

Comments: Septic system pumped annually.

8.

☒ ☐

Facility contains an adequately supplied first aid kit which is maintained and in good working order.

Comments: First aid kit in staff office.

9.

☒ ☐

Area medications are stored is a controlled area with limited access.

Comments: Medications are kept in locked staff room. Access to this room is limited to certain staff.

10.

☒

Food preparation and serving areas are adequate to ensure nutritional needs of participants are met.

Comments: All areas appeared adequate. Boys rotate as a group to make pre-planned dinners.

11.

☒☐

Food preparation areas are operated in a clean and safe manner with all equipment, storage and serving tools in good working order.

Comments:

12.

☒☐

Vehicles used to transport participants and staff has emergency information contained in the vehicle. (Name, address, telephone of program and emergency phone numbers)

Comments:

13.

☐☒

Verified if any newly constructed buildings or remodeling has been done with the last 18-24 months. If so, determine if building, plumbing and electrical permits were received and proper inspections done upon completion of project.

Comments:

Administrator Interview:

1.

Y

N

☒☐

Administrator explained policy for contraband check, including the circumstances in which searches will be conducted and the training of staff conducting search.

Comments: Random searches through the backpacks of kids attending public school occurs and random tests for drugs.

2.

☒☐

Reviewed with Administrator at least two personnel files of employee's to verify background checks are on file and fingerprint checks have been performed.

Comments: Everything appeared to be in order.

3.

☒ ☐

Reviewed with Administrator at least two program participants files to verify they are kept within accordance of programs policy and federal and state laws for privacy.

Comments: Kept in administrative offices, limited access.

4.

☒ ☐

Reviewed with Administrator at least two program participant's files to verify that each has an individual treatment plan in place. (at least one different from above two)

Comments: Individual plans and therapy notes were contained in the files.

5.

☒ ☐

Review medication dispensation log to verify that kept up to date including information on missed or refused dosages and medication changes.

Comments: Medication log was current.

6.

☒ ☐

Verify with Administrator that copies of all professional staff certifications are maintained on the premise.

Comments: Professional staff certifications contained in the files Inspectors examined.

Staff Interviews – only one staff member available for interview:

1.

Y N

☒ ☐

Staff explained definition of inappropriate and appropriate behaviors of program participants.

Comments:

2. ☒ ☐ Staff explained acceptable and unacceptable responses to inappropriate behaviors as well as acceptable consequences to inappropriate behaviors.

Comments: Rewards for working their program include greater trust, internet and email privileges, there is not level system.

3. ☒ ☐ Staff verified training in these areas has occurred and does reoccur at least annually.

Comments: Staff is provided with a packet of goals and rules of the program. All staff CPR trained and get on the job training for specific issues.

4. ☒ ☐ Staff verified the purpose of physical labor (not for the sole purpose of punishment).

Comments: Staff indicated that students do perform physical labor but that the purpose is for therapeutic purposes – energy hours and overtime.

5. ☒ ☐ Staff verified necessary food, clothing, bedding, rest, toilet use or bathing facilities are not denied to participants as a form of punishment.

Comments:

6. ☒ ☐ Staff verified that verbal abuse, ridicule, humiliation, profanity, threats or other forms of degradation are not directed at participants or their families.

Comments:

7. ☒ ☐ Staff verified denial of visits or communication with parents/guardians does not occur for the sole purpose of punishment (program guidelines, activities, plans or court orders may require short periods where communication cannot occur).

Comments:

8. ☒ ☐ Locked confinements or placing participants in a locked room for non therapeutic purposes are not used.

Comments: Not used.

9.

☐

The administration of medication for disciplinary purposes, the convenience of staff or as a substitute for treatment services is not done.

Comments: Staff verified medication is only dispensed as prescribed.

10.

☐

Staff verified all punishment given to a participant is done with at least two staff members present.

Comments: No physical punishment occurs.

11.

☐

Physical or mental suffering including pain to force compliance does not occur.

Comments: Staff verified this does not occur.

12.

☐

The use of passive restraint is explained and falls within the program rules (only used in a situation when an imminent threat to the participant, staff or others and only by trained staff – CPI and MANDT).

Comments:

13.

☐

Staff explained use of short term time out for behavior modification methods employed at the facility.

Comments:

14.

☐

Staff explained procedures for handling emergency situations such as suicide threat/attempt, assault or runaway.

Comments: Emergency numbers are posted, assign a buddy to be with them at all time. Will send to facility if needed and then bring back to program when more stable.

Participant Interviews – combined answers of two participants

1.

Y

N

☒☐

Participant explained how staff deals with inappropriate and appropriate behaviors of program participants.

Comments:

Students mentioned progression through 12 step program and getting privileges such as email and ipod when they are meeting the expectations of the program.

2.

☒☐

Participant acknowledges have access to routine and emergent medical services as needed, including mental health services.

Comments:

Both students agreed services are available. Mental health services occur during regular weekly sessions and nightly group.

3.

☒☐

Verified participant received handbook outlining expectations and acceptable standards of the program.

Comments:

A print out of the rules was gone through when first arrived.

4.

☒☐

Participant verified the purpose of physical labor (not for the sole purpose of punishment).

Comments:

Students indicated that the work projects are part of their therapy and a learning experience.

5.

☒☐

Participant verified necessary food, clothing, bedding, rest, toilet use or bathing facilities are not denied to participants as a form of punishment.

Comments:

Food is good.

6.

☒☐

Participant verified that verbal abuse, ridicule, humiliation, profanity, threats or other forms of degradation are not directed at participants or their families.

Comments:

Does not occur. Good relationship with staff.

7. ☒ ☐ Participant verified denial of visits or communication with parents/guardians does not occur for the sole purpose of punishment (program guidelines, activities, plans or court orders may require short periods where communication cannot occur).

Comments:

8. ☒ ☐ Locked confinements or placing participants in a locked room for non therapeutic purposes are not used.

Comments: No such place.

9. ☒ ☐ The administration of medication for disciplinary purposes, the convenience of staff or as a substitute for treatment services in not done.

Comments: Does not happen.

10. ☒ ☒ Participant verified all punishment given to a participant is done with at least two staff members present. Determine if corporal punishment is used.

Comments: Physical punishment does not occur.

11. ☒ ☐ Physical or mental suffering including pain to force compliance does not occur.

Comments: Does not happen.

12. ☒ ☐ The use of passive restraint is explained and falls within the program rules (only used in a situation when an imminent threat to the participant, staff or others and only by trained staff – CPI and MANDT).

Comments: No physical.

13. ☒ ☐ Participant explained use of short term time out for behavior modification methods employed at the facility.

Comments:

Report of Inspection

at the request of

The Private Alternative Adolescent Residential Program

Program: Clearview
Barefoot Lane
Heron MT

Inspector: Amber Carpenter
William W. Wood

Date of Inspection: May 18, 2016

Site Inspection:

1.

Y

N



Plan of operation as described in application fits with the appearance of the operation as laid out during walk through.

Comments: 12 month residential program for girls. No changes to operation except for the size.

2.



The number of program participants is consistent with information submitted with application and provided by Administrator.

Comments: 33 students are in residence at this time.

3.

☐ ☒

Premise does not contain an area that could be used for corporal punishment, isolation or the ability to inflict physical pain as a disciplinary measure.

Comments: No area was viewed. This information was confirmed through staff and participant interviews.

4.

☒ ☐

Buildings are equipped with fire extinguishers, emergency exits plans and smoke detectors that are placed conspicuously.

Comments: Fire extinguishers and smoke detectors where present in both houses.

5.

☒ ☐

Any noted deficiencies in most recent Deputy State Fire Marshalls report have been addressed.

Comments: No recent inspection has been completed – may need inspection due to new addition to building.

6.

☒ ☐

Program facilities are free from any major notable safety hazards or defects.

Comments: No major hazards noted.

7.

☒ ☐

If program is required to have periodic water quality testing and septic maintenance, verify these inspections are current.

Comments: Septic system pumped annually.

8.

☒ ☐

Facility contains an adequately supplied first aid kit which is maintained and in good working order.

Comments: First aid kit in staff office.

9.

☒ ☐

Area medications are stored in a controlled area with limited access.

Comments: Medications are kept in locked staff room. Access to this room is limited to certain staff.

10.

☐

Food preparation and serving areas are adequate to ensure nutritional needs of participants are met.

Comments: All areas appeared adequate.

11.

☐☐

Food preparation areas are operated in a clean and safe manner with all equipment, storage and serving tools in good working order.

Comments:

12.

☐☐

Vehicles used to transport participants and staff has emergency information contained in the vehicle. (Name, address, telephone of program and emergency phone numbers)

Comments:

13.

☐☐

Verified if any newly constructed buildings or remodeling has been done with the last 18-24 months. If so, determine if building, plumbing and electrical permits were received and proper inspections done upon completion of project.

Comments: New construction has occurred. Permits were not pulled and no inspections had been completed at the time of the inspection. Direction was given on how to remedy the situation.

Administrator Interview:

1.

Y

N

☐☐

Administrator explained policy for contraband check, including the circumstances in which searches will be conducted and the training of staff conducting search.

Comments:

2.

☐☐

Reviewed with Administrator at least two personnel files of employee's to verify background checks are on file and fingerprint checks have been performed.

Comments: Everything appeared to be in order.

3.

☒ ☐

Reviewed with Administrator at least two program participants files to verify they are kept within accordance of programs policy and federal and state laws for privacy.

Comments: Kept in administrative offices, limited access.

4.

☒ ☐

Reviewed with Administrator at least two program participant's files to verify that each has an individual treatment plan in place. (at least one different from above two)

Comments: Individual plans and therapy notes were contained in the files.

5.

☒ ☐

Review medication dispensation log to verify that kept up to date including information on missed or refused dosages and medication changes.

Comments: Medication log was current.

6.

☒ ☐

Verify with Administrator that copies of all professional staff certifications are maintained on the premise.

Comments: Professional staff certifications contained in the files Inspectors examined.

Staff Interviews – only one staff member available for interview:

1.

Y N

☒ ☐

Staff explained definition of inappropriate and appropriate behaviors of program participants.

Comments:

2. ☒ ☐ Staff explained acceptable and unacceptable responses to inappropriate behaviors as well as acceptable consequences to inappropriate behaviors.

Comments: Rewards for working their program include greater trust, internet and email privileges.

3. ☒ ☐ Staff verified training in these areas has occurred and does reoccur at least annually.

Comments: Staff is provided with a packet of goals and rules of the program. All staff CPR trained and get on the job training for specific issues.

4. ☒ ☐ Staff verified the purpose of physical labor (not for the sole purpose of punishment).

Comments: Staff indicated that students do perform physical labor but that the purpose is for therapeutic purposes.

5. ☒ ☐ Staff verified necessary food, clothing, bedding, rest, toilet use or bathing facilities are not denied to participants as a form of punishment.

Comments:

6. ☒ ☐ Staff verified that verbal abuse, ridicule, humiliation, profanity, threats or other forms of degradation are not directed at participants or their families.

Comments:

7. ☒ ☐ Staff verified denial of visits or communication with parents/guardians does not occur for the sole purpose of punishment (program guidelines, activities, plans or court orders may require short periods where communication cannot occur).

Comments:

8. ☒ ☐ Locked confinements or placing participants in a locked room for non therapeutic purposes are not used.

Comments: Not used.

9.

☐

The administration of medication for disciplinary purposes, the convenience of staff or as a substitute for treatment services is not done.

Comments: Staff verified medication is only dispensed as prescribed.

10.

☐

Staff verified all punishment given to a participant is done with at least two staff members present.

Comments: No physical punishment occurs.

11.

☐

Physical or mental suffering including pain to force compliance does not occur.

Comments: Staff verified this does not occur.

12.

☐

The use of passive restraint is explained and falls within the program rules (only used in a situation when an imminent threat to the participant, staff or others and only by trained staff – CPI and MANDT).

Comments:

13.

☐

Staff explained use of short term time out for behavior modification methods employed at the facility.

Comments:

14.

☐

Staff explained procedures for handling emergency situations such as suicide threat/attempt, assault or runaway.

Comments: Emergency numbers are posted.

Participant Interviews – combined answers of two participants

1.

Y

N

☒☐

Participant explained how staff deals with inappropriate and appropriate behaviors of program participants.

Comments:

Have a system that staff and participants "vote up" based on behavior.

2.

☒☐

Participant acknowledges have access to routine and emergent medical services as needed, including mental health services.

Comments:

Yes, see therapist and have seen others taken to doctor as needed.

3.

☒☐

Verified participant received handbook outlining expectations and acceptable standards of the program.

Comments:

4.

☒☐

Participant verified the purpose of physical labor (not for the sole purpose of punishment).

Comments:

5.

☒☐

Participant verified necessary food, clothing, bedding, rest, toilet use or bathing facilities are not denied to participants as a form of punishment.

Comments:

6.

☒☐

Participant verified that verbal abuse, ridicule, humiliation, profanity, threats or other forms of degradation are not directed at participants or their families.

Comments:

Both stated it is not normal for staff to lose their patience, do have some human errors but is used to help staff be trained also.

7. ☒ ☐ Participant verified denial of visits or communication with parents/guardians does not occur for the sole purpose of punishment (program guidelines, activities, plans or court orders may require short periods where communication cannot occur).

Comments:

8. ☒ ☐ Locked confinements or placing participants in a locked room for non therapeutic purposes are not used.

Comments: Nothing like that exists.

9. ☒ ☐ The administration of medication for disciplinary purposes, the convenience of staff or as a substitute for treatment services in not done.

Comments:

10. ☒ ☒ Participant verified all punishment given to a participant is done with at least two staff members present. Determine if corporal punishment is used.

Comments:

11. ☒ ☐ Physical or mental suffering including pain to force compliance does not occur.

Comments:

12. ☒ ☐ The use of passive restraint is explained and falls within the program rules (only used in a situation when an imminent threat to the participant, staff or others and only by trained staff – CPI and MANDT).

Comments:

13. ☒ ☐ Participant explained use of short term time out for behavior modification methods employed at the facility.

Comments:

Report of Inspection

at the request of

The Private Alternative Adolescent Residential Program

Program: Explorations
119 South Hills Rd
Trout Creek MT

Inspector: Amber Carpenter
William W. Wood

Date of Inspection: May 17, 2016

Site Inspection:

1.
Y N
☒ ☐ Plan of operation as described in application fits with the appearance of the operation as laid out during walk through.

Comments: 12 month residential program for boys and girls. Have begun a wilderness type program which reflects a change to their operation plan – they agreed they would send this change into the board office.

2.
☒ ☐ The number of program participants is consistent with information submitted with application and provided by Administrator.

Comments: 9 students are in residence at this time, 6 boys and 3 girls.

3.

☐ ☒

Premise does not contain an area that could be used for corporal punishment, isolation or the ability to inflict physical pain as a disciplinary measure.

Comments: No area was viewed. This information was confirmed through staff and participant interviews.

4.

☒ ☐

Buildings are equipped with fire extinguishers, emergency exits plans and smoke detectors that are placed conspicuously.

Comments: Fire extinguishers and smoke detectors where present in both houses.

5.

☒ ☐

Any noted deficiencies in most recent Deputy State Fire Marshalls report have been addressed.

Comments: None.

6.

☒ ☐

Program facilities are free from any major notable safety hazards or defects.

Comments: No major hazards noted.

7.

☒ ☐

If program is required to have periodic water quality testing and septic maintenance, verify these inspections are current.

Comments: Septic system pumped annually.

8.

☒ ☐

Facility contains an adequately supplied first aid kit which is maintained and in good working order.

Comments: First aid kit in staff office.

9.

☒ ☐

Area medications are stored in a controlled area with limited access.

Comments: Medications are kept in locked staff room. Access to this room is limited to certain staff.

10.

☒

Food preparation and serving areas are adequate to ensure nutritional needs of participants are met.

Comments: All areas appeared adequate.

11.

☒☐

Food preparation areas are operated in a clean and safe manner with all equipment, storage and serving tools in good working order.

Comments:

12.

☒☐

Vehicles used to transport participants and staff has emergency information contained in the vehicle. (Name, address, telephone of program and emergency phone numbers)

Comments:

13.

☐☒

Verified if any newly constructed buildings or remodeling has been done with the last 18-24 months. If so, determine if building, plumbing and electrical permits were received and proper inspections done upon completion of project.

Comments:

Administrator Interview:

1.

Y

N

☒☐

Administrator explained policy for contraband check, including the circumstances in which searches will be conducted and the training of staff conducting search.

Comments: Random searches through the backpacks of kids attending public school occurs and random tests for drugs.

2.

☒☐

Reviewed with Administrator at least two personnel files of employee's to verify background checks are on file and fingerprint checks have been performed.

Comments: Everything appeared to be in order.

3.

☒ ☐

Reviewed with Administrator at least two program participants files to verify they are kept within accordance of programs policy and federal and state laws for privacy.

Comments: Kept in administrative offices, limited access.

4.

☒ ☐

Reviewed with Administrator at least two program participant's files to verify that each has an individual treatment plan in place. (at least one different from above two)

Comments: Individual plans and therapy notes were contained in the files.

5.

☒ ☐

Review medication dispensation log to verify that kept up to date including information on missed or refused dosages and medication changes.

Comments: Medication log was current.

6.

☒ ☐

Verify with Administrator that copies of all professional staff certifications are maintained on the premise.

Comments: Professional staff certifications contained in the files Inspectors examined.

Staff Interviews – only one staff member available for interview:

1.

Y N

☒ ☐

Staff explained definition of inappropriate and appropriate behaviors of program participants.

Comments:

2. ☒ ☐ Staff explained acceptable and unacceptable responses to inappropriate behaviors as well as acceptable consequences to inappropriate behaviors.

Comments: Rewards for working their program include greater trust, internet and email privileges, there is not level system.

3. ☒ ☐ Staff verified training in these areas has occurred and does reoccur at least annually.

Comments: Staff is provided with a packet of goals and rules of the program. All staff CPR trained and get on the job training for specific issues.

4. ☒ ☐ Staff verified the purpose of physical labor (not for the sole purpose of punishment).

Comments: Staff indicated that students do perform physical labor but that the purpose is for therapeutic purposes.

5. ☒ ☐ Staff verified necessary food, clothing, bedding, rest, toilet use or bathing facilities are not denied to participants as a form of punishment.

Comments:

6. ☒ ☐ Staff verified that verbal abuse, ridicule, humiliation, profanity, threats or other forms of degradation are not directed at participants or their families.

Comments:

7. ☒ ☐ Staff verified denial of visits or communication with parents/guardians does not occur for the sole purpose of punishment (program guidelines, activities, plans or court orders may require short periods where communication cannot occur).

Comments:

8. ☒ ☐ Locked confinements or placing participants in a locked room for non therapeutic purposes are not used.

Comments: Not used.

9.

☐

The administration of medication for disciplinary purposes, the convenience of staff or as a substitute for treatment services is not done.

Comments: Staff verified medication is only dispensed as prescribed.

10.

☐

Staff verified all punishment given to a participant is done with at least two staff members present.

Comments: No physical punishment occurs.

11.

☐

Physical or mental suffering including pain to force compliance does not occur.

Comments: Staff verified this does not occur.

12.

☐

The use of passive restraint is explained and falls within the program rules (only used in a situation when an imminent threat to the participant, staff or others and only by trained staff – CPI and MANDT).

Comments:

13.

☐

Staff explained use of short term time out for behavior modification methods employed at the facility.

Comments:

14.

☐

Staff explained procedures for handling emergency situations such as suicide threat/attempt, assault or runaway.

Comments: Emergency numbers are posted.

Participant Interviews – combined answers of two participants

1.

Y

N

☒☐

Participant explained how staff deals with inappropriate and appropriate behaviors of program participants.

Comments:

No students available for interview at the time of visit.

2.

☒☐

Participant acknowledges have access to routine and emergent medical services as needed, including mental health services.

Comments:

3.

☒☐

Verified participant received handbook outlining expectations and acceptable standards of the program.

Comments:

4.

☒☐

Participant verified the purpose of physical labor (not for the sole purpose of punishment).

Comments:

5.

☒☐

Participant verified necessary food, clothing, bedding, rest, toilet use or bathing facilities are not denied to participants as a form of punishment.

Comments:

6.

☒☐

Participant verified that verbal abuse, ridicule, humiliation, profanity, threats or other forms of degradation are not directed at participants or their families.

Comments:

7. ☒ ☐ Participant verified denial of visits or communication with parents/guardians does not occur for the sole purpose of punishment (program guidelines, activities, plans or court orders may require short periods where communication cannot occur).

Comments:

8. ☒ ☐ Locked confinements or placing participants in a locked room for non therapeutic purposes are not used.

Comments:

9. ☒ ☐ The administration of medication for disciplinary purposes, the convenience of staff or as a substitute for treatment services in not done.

Comments:

10. ☒ ☒ Participant verified all punishment given to a participant is done with at least two staff members present. Determine if corporal punishment is used.

Comments:

11. ☒ ☐ Physical or mental suffering including pain to force compliance does not occur.

Comments:

12. ☒ ☐ The use of passive restraint is explained and falls within the program rules (only used in a situation when an imminent threat to the participant, staff or others and only by trained staff – CPI and MANDT).

Comments:

13. ☒ ☐ Participant explained use of short term time out for behavior modification methods employed at the facility.

Comments:

Report of Inspection

at the request of

The Private Alternative Adolescent Residential Program

Program: Gateway Freedom Ranch
937 Skyview Lane
Rexford MT 59930

Inspector: William W. Wood
T.J. Hunt

Date of Inspection: June 28, 2016

Date of Report: July 14, 2016

Site Inspection:

1.

Y

N

☒☐

Plan of operation as described in application fits with the appearance of the operation as laid out during walk through.

Comments:

Gateway Freedom Ranch (GFR) is a Christian therapeutic boarding school/home for at risk females age 9-14.

2.

☒☐

The number of program participants is consistent with information submitted with application and provided by Administrator.

Comments:

The current number of girls is 10.

3.

☐☒

Premise does not contain an area that could be used for corporal punishment, isolation or the ability to inflict physical pain as a disciplinary measure.

Comments:

No area was viewed. This information was confirmed through staff and participant interviews.

4.

☒☒

Buildings are equipped with fire extinguishers, emergency exits plans and smoke detectors that are placed conspicuously.

Comments:

The buildings contained smoke detectors and emergency exit plans.

5.

☒☒

Any noted deficiencies in most recent Deputy State Fire Marshalls report have been addressed.

Comments:

Deputy State Fire Marshall has not inspected the facility. Administrator has called to schedule an inspection but has not received return calls.

6.

☒☐

Program facilities are free from any major notable safety hazards or defects.

Comments:

None observed

7. ☒ ☐ If program is required to have periodic water quality testing and septic maintenance, verify these inspections are current.

Comments: All Current.

8. ☒ ☐ Facility contains an adequately supplied first aid kit which is maintained and in good working order.

Comments:

9. ☒ ☐ Area medications are stored in a controlled area with limited access.

Comments: Medications are dispensed by house parent.

10. ☒ ☐ Food preparation and serving areas are adequate to ensure nutritional needs of participants are met.

Comments: All areas appeared adequate.

11. ☒ ☐ Food preparation areas are operated in a clean and safe manner with all equipment, storage and serving tools in good working order.

Comments: All areas appeared clean. Equipment and tools seemed in good working order.

12. ☒ ☐ Vehicles used to transport participants and staff has emergency information contained in the vehicle. (Name, address, telephone of program and emergency phone numbers)

Comments: Inspectors verified through administrator interview a "jump kit" containing emergency information and releases are kept in the van.

13.



Verified if any newly constructed buildings or remodeling has been done with the last 18-24 months. If so, determine if building, plumbing and electrical permits were received and proper inspections done upon completion of project.

Comments:

Facility will be moving to a new location on July 18, 2016. Inspectors performed a walk-through of this site. Construction and renovations were currently being conducted at the site and is not housing any children at this time. Building codes inspector has issued a permit for this facility.

Administrator Interview:

1.

Y

N

☒☐

Administrator explained policy for contraband check, including the circumstances in which searches will be conducted and the training of staff conducting search.

Comments: All of the belongings are gone through at the time they arrive.

2.

☒☐

Reviewed with Administrator at least two personnel files of employee's to verify background checks are on file and fingerprint checks have been performed.

Comments: Kept in director's office with limited access. No evidence of background checks was found in the personnel files. Administration advised they have an issue with the current PAARP system of background checking is they send in the fingerprint cards but never receive any response from PAARP whether the background check was received or whether it was a satisfactory check. A letter from PAARP advising the check was received and non-adverse would be a welcome change to the current system.

3.

☒☐

Reviewed with Administrator at least two program participant's files to verify they are kept within accordance of programs policy and federal and state laws for privacy.

Comments: Kept in locked cabinet with limited access. Appear to be in order.

4.

☒☐

Reviewed with Administrator at least two program participant's files to verify that each has an individual treatment plan in place. (at least one different from above two)

Comments:

5.

☒☐

Review medication dispensation log to verify that kept up to date including information on missed or refused dosages and medication changes.

Comments: Medication log was current.

6.

☒☐

Verify with Administrator that copies of all professional staff certifications are maintained on the premise.

Comments:

Staff Interviews – combined answers of two staff:

1.

Y

N

☒☐

Staff explained definition of inappropriate and appropriate behaviors of program participants.

Comments: It was explained by staff that a level system is used.

2.

☒☐

Staff explained acceptable and unacceptable responses to inappropriate behaviors as well as acceptable consequences to inappropriate behaviors.

Comments: Students are talked to when they break rules and may be given exercise time.

3.

☒☐

Staff verified training in these areas has occurred and does reoccur at least annually.

Comments: Staff attends weekly staff meetings, training for dealing with issues occurs thought there year as things come up.

4.

☒☐

Staff verified the purpose of physical labor (not for the sole purpose of punishment).

Comments: Staff indicated that students do perform physical labor but that the sole purpose is not for punishment.

5.

☒☐

Staff verified necessary food, clothing, bedding, rest, toilet use or bathing facilities are not denied to participants as a form of punishment.

Comments: Food, clothing and other necessities are not withheld from students.

6.

☐

Staff verified that verbal abuse, ridicule, humiliation, profanity, threats or other forms of degradation are not directed at participants or their families.

Comments: Staff indicated this type of behavior is not tolerated.

7.

☐

Staff verified denial of visits or communication with parents/guardians does not occur for the sole purpose of punishment (program guidelines, activities, plans or court orders may require short periods where communication cannot occur).

Comments: Staff verified this was accurate and that if communication was not going to occur for some reason at the regular time staff would contact parents.

8.

☐

Locked confinements or placing participants in a locked room for non therapeutic purposes are not used.

Comments: Not used. Students may be asked to sit the hall if disruptive at school for a period of time or, as mentioned above, may be required to sit in the corner for a period of time.

9.

☐

The administration of medication for disciplinary purposes, the convenience of staff or as a substitute for treatment services in not done.

Comments: Staff verified medication is only dispensed as prescribed.

10.

☐

Staff verified all punishment given to a participant is done with at least two staff members present.

Comments: No physical punishment occurs. Punishments are by loss of privileges through the level system.

11.

☐

Physical or mental suffering including pain to force compliance does not occur.

Comments: Staff verified this does not occur, again the programs approach is a hands-off.

12.

☒ ☐ The use of passive restraint is explained and falls within the program rules (only used in a situation when an imminent threat to the participant, staff or others and only by trained staff – CPI and MANDT).

Comments: Administration is currently researching a MANDT class for staff and making proper arrangements.

13. ☒ ☐ Staff explained use of short term time out for behavior modification methods employed at the facility.

Comments: Staff explained short term time out through exercise as described above.

14. ☒ ☐ Staff explained procedures for handling emergency situations such as suicide threat/attempt, assault or runaway.

Comments: Emergency numbers are posted in all classrooms and houses.

Participant Interviews – combined answers of two participants

1.
Y N
☒ ☐ Participant explained how staff deals with inappropriate and appropriate behaviors of program participants.

Comments: The students confirmed that they will talk to them about not following the rules or they may drop a level depending on how severe it is. For appropriate behaviors they will increase levels and get more privileges.

2. ☒ ☐ Participant acknowledges have access to routine and emergent medical services as needed, including mental health services.

Comments: Both students agreed service are available.

3. ☒ ☐ Verified participant received handbook outlining expectations and acceptable standards of the program.

Comments:

4
☒

☐

Participant verified the purpose of physical labor (not for the sole purpose of punishment).

Comments:

5.
☒

☐

Participant verified necessary food, clothing, bedding, rest, toilet use or bathing facilities are not denied to participants as a form of punishment.

Comments:

6.
☒

☐

Participant verified that verbal abuse, ridicule, humiliation, profanity, threats or other forms of degradation are not directed at participants or their families.

Comments: This type of behavior does not occur.

7.
☒

☐

Participant verified denial of visits or communication with parents/guardians does not occur for the sole purpose of punishment (program guidelines, activities, plans or court orders may require short periods where communication cannot occur).

Comments: Communication with parents is an essential part of the program.

8
☒

☐

Locked confinements or placing participants in a locked room for non therapeutic purposes are not used.

Comments: Does not happen.

9.
☒

☐

The administration of medication for disciplinary purposes, the convenience of staff or as a substitute for treatment services is not done.

Comments: Medication is dispensed only as prescribed.

10.

☐

Participant verified all punishment given to a participant is done with at least two staff members present. Determine if corporal punishment is used.

Comments: Physical punishment does not happen.

11.

☐

Physical or mental suffering including pain to force compliance does not occur.

Comments: No.

12.

☐

The use of passive restraint is explained and falls within the program rules (only used in a situation when an imminent threat to the participant, staff or others and only by trained staff – CPI and MANDT).

Comments:

13.

☐

Participant explained use of short term time out for behavior modification methods employed at the facility.

Comments: description of this and passive restraint process matched that of staff.



Report of Inspection

at the request of

The Private Alternative Adolescent Residential Program

Program: Mountain Meadow Youth Ranch
391 Big Beaver Creek Rd
Trout Creek, Mt. 59874
(406) 827-1957

Inspector: William W. Wood
T. J. Hunt

Date of Inspection: August 29, 2016

Date of Report: September 7, 2016

Site Inspection:

1.

Y

N

☒☐

Plan of operation as described in application fits with the appearance of the operation as laid out during walk through.

Comments:

Mountain Meadow Youth Ranch is a boy's only program. The boy's reside in the residence of Joe and Marilyn Frields, Directors and Owners, and attend public schools in Thompson Falls. No changes to the facility since the last inspection were observed during the walkthrough.

2.

☒☐

The number of program participants is consistent with information submitted with application and provided by Administrator.

Comments:

The current number of children is 9.

3.

☐☒

Premise does not contain an area that could be used for corporal punishment, isolation or the ability to inflict physical pain as a disciplinary measure.

Comments:

No area was viewed. This information was confirmed through staff and participant interviews.

4.

☒☐

Buildings are equipped with fire extinguishers, emergency exits plans and smoke detectors that are placed conspicuously.

Comments:

Facility is equipped with fire extinguishers however inspector was informed they were purchased at Costco and did not have an inspection tag. Written emergency exit plan was posted, however, no map indicating escape route was present.

5

☒☐

Any noted deficiencies in most recent Deputy Fire Marshall report have been addressed.

Comments:

6. ☐ ☒ Program facilities are free from any major notable safety hazards or defects.

Comments: No noted hazards or defects.

7. ☒ ☐ If program is required to have periodic water quality testing and septic maintenance, verify these inspections are current.

Comments: A copy of a well testing report was presented at the time of inspection with no deficiencies noted on the report.

8. ☒ ☐ Facility contains an adequately supplied first aid kit which is maintained and in good working order.

Comments:

9. ☒ ☐ Area medications are stored in a controlled area with limited access.

Comments: Medications are stored in master bedroom closet. The closet has the ability to be locked, however, at time of inspection it was unlocked and the medication container was a plastic first aid kit type container, no medication record was viewed. Joe Frields, program director, advised he was aware of the requirement to keep meds locked up and to keep a medication record.

10. ☒ ☐ Food preparation and serving areas are adequate to ensure nutritional needs of participants are met.

Comments: All areas appeared adequate.

11. ☒ ☐ Food preparation areas are operated in a clean and safe manner with all equipment, storage and serving tools in good working order.

Comments: All areas appeared clean. Equipment and tools seemed in good working order.

12. ☒ ☐ Vehicles used to transport participants and staff have emergency information contained in the vehicle. (Name, address, telephone of program and emergency phone numbers)

Comments: Emergency information is contained in the vehicles.

13.



Verified if any newly constructed buildings or remodeling has been done with the last 18-24 months. If so, determine if building, plumbing and electrical permits were received and proper inspections done upon completion of project.

Comments: No recent construction

Administrator Interview:

1.

Y

N

☒☐

Administrator explained policy for contraband check, including the circumstances in which searches will be conducted and the training of staff conducting search.

Comments: New student's belongings and person are checked.

2.

☒☐

Reviewed with Administrator at least two personnel files of employee's to verify background checks are on file and fingerprint checks have been performed.

Comments: No evidence of background checks was found in the personnel files. Administration advised they have been conducting their background checks and commented a problem they have with the current PAARP system of background checking is they send in the fingerprint cards but never receive any response from PAARP whether the background check was received or whether it was a satisfactory check. A letter from PAARP advising the check was received and non-adverse would be a welcome change to the current system.

3.

☒☐

Reviewed with Administrator at least two program participant's files to verify they are kept within accordance of programs policy and federal and state laws for privacy.

Comments: Kept in facility administrative office.

4.

☒☐

Reviewed with Administrator at least two program participant's files to verify that each has an individual treatment plan in place. (at least one different from above two)

Comments:

5.

☐☒

Review medication dispensation log to verify that kept up to date including information on missed or refused dosages and medication changes.

Comments: Medication log was not present.

6.



Verify with Administrator that copies of all professional staff certifications are maintained on the premise.

Comments: Professional staff certifications contained in the files Inspectors examined.

Staff Interviews – combined answers of two staff:

1.

Y

N



Staff explained definition of inappropriate and appropriate behaviors of program participants.

Comments: Inappropriate behavior was explained as not following the rules or not completing school work as assigned. While working within the rules and guidelines of the program was appropriate.

2.



Staff explained acceptable and unacceptable responses to inappropriate behaviors as well as acceptable consequences to inappropriate behaviors.

Comments: Depends on the situation, something minor may just require speaking with the student. Serious infractions may result in being removed from group activities for a time.

3.



Staff verified training in these areas has occurred and does reoccur at least annually.

Comments: Staff training is on-going.

4.



Staff verified the purpose of physical labor (not for the sole purpose of punishment).

Comments: Staff indicated that physical labor for breaking rules is part of being a citizen in the community, however labor is to be a benefit to the house.

5.



Staff verified necessary food, clothing, bedding, rest, toilet use or bathing facilities are not denied to participants as a form of punishment.

Comments: Food, clothing and other necessities are not withheld from students.

6.

☒ ☐

Staff verified that verbal abuse, ridicule, humiliation, profanity, threats or other forms of degradation are not directed at participants or their families.

Comments: Staff indicated this type of behavior is not tolerated.

7.

☒ ☐

Staff verified denial of visits or communication with parents/guardians does not occur for the sole purpose of punishment (program guidelines, activities, plans or court orders may require short periods where communication cannot occur).

Comments: Staff explained communication not withheld for punishment

8.

☒ ☐

Locked confinements or placing participants in a locked room for non therapeutic purposes are not used.

Comments: Not used

9.

☒ ☐

The administration of medication for disciplinary purposes, the convenience of staff or as a substitute for treatment services in not done.

Comments: Staff verified medication is only dispensed as prescribed.

10.

☒ ☐

Staff verified all punishment given to a participant is done with at least two staff members present.

Comments: No physical punishment occurs. Punishments are by loss of privileges.

11.

☒ ☐

Physical or mental suffering including pain to force compliance does not occur.

Comments: Staff verified this does not occur.

12.

- ☒ ☐ The use of passive restraint is explained and falls within the program rules (only used in a situation when an imminent threat to the participant, staff or others and only by trained staff – CPI and MANDT).

Comments:

13. ☒ ☐ Staff explained use of short term time out for behavior modification methods employed at the facility.

Comments:

14. ☒ ☐ Staff explained procedures for handling emergency situations such as suicide threat/attempt, assault or runaway.

Comments: Procedures include suicide watch and runaway watch, also appropriate local authorities are contacted as needed.

Participant Interviews – combined answers of two participants

1.
Y N
☒ ☐ Participant explained how staff deals with inappropriate and appropriate behaviors of program participants.

Comments: The students confirmed warning for minor issues. Privileges are gained for appropriate behavior and receive consequences for inappropriate behavior. The consequences are tailored to the individual. Students may be restricted from other students if being a negative influence.

2. ☒ ☐ Participant acknowledges they have access to routine and emergency medical services as needed, including mental health services.

Comments: Both students agreed services are available.

3. ☒ ☐ Verified participant received handbook outlining expectations and acceptable standards of the program.

Comments:



Participant verified the purpose of physical labor (not for the sole purpose of punishment).

Comments:



Participant verified necessary food, clothing, bedding, rest, toilet use or bathing facilities are not denied to participants as a form of punishment.

Comments:

Not denied



Participant verified that verbal abuse, ridicule, humiliation, profanity, threats or other forms of degradation are not directed at participants or their families.

Comments:

Y

N



Participant verified denial of visits or communication with parents/guardians does not occur for the sole purpose of punishment (program guidelines, activities, plans or court orders may require short periods where communication cannot occur).

Comments:



Locked confinements or placing participants in a locked room for non therapeutic purposes are not used.

Comments:



The administration of medication for disciplinary purposes, the convenience of staff or as a substitute for treatment services is not done.

Comments: _____



Participant verified all punishment given to a participant is done with at least two staff members present. Determine if corporal punishment is used.

Comments: _____



Physical or mental suffering including pain to force compliance does not occur.

Comments: _____



The use of passive restraint is explained and falls within the program rules (only used in a situation when an imminent threat to the participant, staff or others and only by trained staff – CPI and MANDT).

Comments: Student had witnessed one incident requiring the use of passive restraint.

Y

N



Participant explained use of short term time out for behavior modification methods employed at the facility.

Comments: _____

Report of Inspection

at the request of

The Private Alternative Adolescent Residential Program

Program: New Horizons Boys Ranch
6442 W Kootenai Rd.
Rexford, MT 59930
(406) 889-5995

Inspector: William W. Wood
T. J. Hunt

Date of Inspection: June 28, 2016

Date of Report: July 14, 2016

Site Inspection:

1.

Y

N

☒☒

Plan of operation as described in application fits with the appearance of the operation as laid out during walk through.

Comments: New Horizons Youth Ranch is a alternative residential program for boys. The students at the Youth Ranch have issues with ADD/ADHD, drugs, self esteem and fetal alcohol syndrome. The Youth Ranch is set up family style. The program is a non-denominational Christian program. There are approximately 11 staff.

2.

☒☐

The number of program participants is consistent with information submitted with application and provided by Administrator.

Comments:

The current number of children is 17 ages 10-17.

3.

☐☒

Premise does not contain an area that could be used for corporal punishment, isolation or the ability to inflict physical pain as a disciplinary measure.

Comments:

No area was viewed.

4.

☒☐

Buildings are equipped with fire extinguishers, emergency exits plans and smoke detectors that are placed conspicuously.

Comments:

Fire extinguishers, emergency exit plans, and smoke detectors were present in all buildings. Fire extinguishers do not appear to be recently inspected and look to have been bought from a retail store.

5.

☒☐

Any noted deficiencies in most recent Deputy Fire Marshall report have been addressed.

Comments:

The Deputy State Fire Marshall has not been contacted.

6.

☐ ☒ Program facilities are free from any major notable safety hazards or defects.

Comments: See Attached

7.

☐ ☒ If program is required to have periodic water quality testing and septic maintenance, verify these inspections are current.

Comments: See Attached

8.

☐ ☐ Facility contains an adequately supplied first aid kit which is maintained and in good working order.

Comments: One was not viewed by inspectors.

9.

☒ ☐ Area medications are stored in a controlled area with limited access.

Comments: Medications are kept in staff office and dispensed by staff.

10.

☒ ☐ Food preparation and serving areas are adequate to ensure nutritional needs of participants are met.

Comments: All areas appeared adequate.

11.

☒ ☐ Food preparation areas are operated in a clean and safe manner with all equipment, storage and serving tools in good working order.

Comments: All areas appeared clean. Equipment and tools seemed in good working order.

12.

☒ ☐ Vehicles used to transport participants and staff has emergency information contained in the vehicle. (Name, address, telephone of program and emergency phone numbers)

Comments: Emergency information is contained in the vehicles.

13.

☐☒

Verified if any newly constructed buildings or remodeling has been done with the last 18-24 months. If so, determine if building, plumbing and electrical permits were received and proper inspections done upon completion of project.

Comments: See Attached Email

Administrator Interview:

1.

Y

N

☒☐

Administrator explained policy for contraband check, including the circumstances in which searches will be conducted and the training of staff conducting search.

Comments: Program given written authorization to conduct searches for contraband. Searches are conducted when new students arrive.

2.

☒☐

Reviewed with Administrator at least two personnel files of employee's to verify background checks are on file and fingerprint checks have been performed.

Comments: No evidence of background checks was found in the personnel files. Tom Harrell advised they do conduct the fingerprint checks as required but do not receive anything back to place in the files. The secretary, Legend, was not record checked as Tom stated he has known her for a long time.

3.

☒☐

Reviewed with Administrator at least two program participant's files to verify they are kept within accordance of programs policy and federal and state laws for privacy.

Comments: Kept in locked cabinet with limited access.

4.

☒☐

Reviewed with Administrator at least two program participant's files to verify that each has an individual treatment plan in place. (at least one different from above two)

Comments: No treatment plan in file.

5.

☒☐

Review medication dispensation log to verify that kept up to date including information on missed or refused dosages and medication changes.

Comments: Medication log was current.

6.

☒☐

Verify with Administrator that copies of all professional staff certifications are maintained on the premise.

Comments: No certifications viewed in the files. Most of the staff are CPR trained.

Staff Interviews – combined answers of two staff:

1.

Y

N

☒☐

Staff explained definition of inappropriate and appropriate behaviors of program participants.

Comments: Inappropriate behavior was explained as not following the rules or not completing school work or therapy as assigned. While working within the rules and guidelines of the program was appropriate.

2.

☒☐

Staff explained acceptable and unacceptable responses to inappropriate behaviors as well as acceptable consequences to inappropriate behaviors.

Comments: Depends on the situation, something minor may just require speaking with the student. Example was given that if a student makes a mess in the indoor bathroom, the bathroom is locked and off-limits for all students, and an outdoor outhouse is the primary toilet for students.

3.

☒☐

Staff verified training in these areas has occurred and does reoccur at least annually.

Comments:

4.

☒☐

Staff verified the purpose of physical labor (not for the sole purpose of punishment).

Comments:

5. ☒ ☐ Staff verified necessary food, clothing, bedding, rest, toilet use or bathing facilities are not denied to participants as a form of punishment.

Comments: Refer #2.

6. ☒ ☐ Staff verified that verbal abuse, ridicule, humiliation, profanity, threats or other forms of degradation are not directed at participants or their families.

Comments: Staff indicated this type of behavior is not tolerated.

7. ☒ ☐ Staff verified denial of visits or communication with parents/guardians does not occur for the sole purpose of punishment (program guidelines, activities, plans or court orders may require short periods where communication cannot occur).

Comments: Staff explained communication not withheld for punishment.

8. ☒ ☐ Locked confinements or placing participants in a locked room for non therapeutic purposes are not used.

Comments: Not used

9. ☒ ☐ The administration of medication for disciplinary purposes, the convenience of staff or as a substitute for treatment services in not done.

Comments: Staff verified medication is only dispensed as prescribed.

10. ☐ ☐ Staff verified all punishment given to a participant is done with at least two staff members present.

Comments:

11. ☒ ☐ Physical or mental suffering including pain to force compliance does not occur.

Comments: Staff verified this does not occur.

12.

☐

The use of passive restraint is explained and falls within the program rules (only used in a situation when an imminent threat to the participant, staff or others and only by trained staff – CPI and MANDT).

Comments: Staff indicated they want to follow through with more passive restraint training. Not currently Mandt or CPI certified.

13.

☐

Staff explained use of short term time out for behavior modification methods employed at the facility.

Comments:

14.

☐

Staff explained procedures for handling emergency situations such as suicide threat/attempt, assault or runaway.

Comments: Have procedures in place.

Participant Interviews – combined answers of two participants

***** Due to the change of time of inspection by the inspectors, there were no youth available to interview for the inspection due to a field trip.*****

1.

Y

N

☐

Participant explained how staff deals with inappropriate and appropriate behaviors of program participants.

Comments:

2.

☐

Participant acknowledges have access to routine and emergency medical services as needed, including mental health services.

Comments:

3.

☐☐

Verified participant received handbook outlining expectations and acceptable standards of the program.

Comments:

☐☐

Participant verified the purpose of physical labor (not for the sole purpose of punishment).

Comments:

☐☐

Participant verified necessary food, clothing, bedding, rest, toilet use or bathing facilities are not denied to participants as a form of punishment.

Comments:

☐☐

Participant verified that verbal abuse, ridicule, humiliation, profanity, threats or other forms of degradation are not directed at participants or their families.

Comments:

Y N

☐☐

Participant verified denial of visits or communication with parents/guardians does not occur for the sole purpose of punishment (program guidelines, activities, plans or court orders may require short periods where communication cannot occur).

Comments: _____

☐☐

Locked confinements or placing participants in a locked room for non therapeutic purposes are not used.

Comments: _____

☐☐

The administration of medication for disciplinary purposes, the convenience of staff or as a substitute for treatment services in not done.

Comments: _____

☐☐

Participant verified all punishment given to a participant is done with at least two staff members present. Determine if corporal punishment is used.

Comments: _____

☐☐

Physical or mental suffering including pain to force compliance does not occur.

Comments: _____

☐☐

The use of passive restraint is explained and falls within the program rules (only used in a situation when an imminent threat to the participant, staff or others and only by trained staff – CPI and MANDT).

Comments: _____

Y

☐

N

☐

Participant explained use of short term time out for behavior modification methods employed at the facility.

Comments:

Hunt, Tim

From: Wood, Bill
Sent: Wednesday, July 06, 2016 10:58 AM
To: Cook, David
Cc: Carpenter, Amber; Hunt, Tim
Subject: Building Code Violations in Rexford

Dave,

RE: NEW HORIZONS YOUTH RANCH
6442 KOOTENAI ROAD
REXFORD, MT. 59930
(406) 889-5996

On June 28, 2016, Investigator T.J. Hunt and I conducted an inspection of the New Horizons Youth Ranch in conjunction with their new application to the PAARP Board. I had inspected this facility on May 26, 2010 with Amber Carpenter but later New Horizons claimed a religious affiliation which exempted them from PAARP regulation. In 2010 they had 12 boys in the program all living in the original house. They have now lost the religious affiliation and have been required to re-apply for licensure. At the time of the 2010 inspection they were operating out of the original house on the property and with the exception of a garage/shed and a house up the hill, being used for staff housing, there were no other buildings.

On June 28, 2016 we found they had constructed a large three story building next to the original house with the intention of it housing the entire commercial program, which is presently 17 boys, ages 10 to 17, (school, living quarters, kitchen, etc.) Tom Harrell (owner of New Horizons Youth Ranch) stated they had begun construction approximately 3 years ago and it is partially completed. When questioned about building permits, electrical permits, or plumbing permits, he appeared nervous and advised he didn't think he was required to get building permits. We advised we were not building code inspectors but would pass it on to the building codes department.

T.J. and I conducted a walk-through of the new construction and found glaring sub-standard carpentry work, bare electrical wiring, and questionable plumbing. We believe much of the construction has been completed by the minor children enrolled in their program. The kitchen located in the basement was currently operating with a cook preparing food. The transition of the boys to the new building for sleeping and school had not yet occurred as they were still working on the completion.

We were informed Tom had put in a new septic system for the original house and suspect it had been unusable for some time before it was replaced as there was an outhouse on the property and Tom advised the boys had to dig new holes and move it three times. A new septic system was also installed by Tom for the new construction. Dan (Tom's brother) stated he had never seen septic systems installed this way as the leach fields for the two buildings intersect in a T. Tom advised he had not obtained any permits for the septic systems.

Heating for both the original house and the new building is being provided by a large wood burning furnace located between the two buildings. The furnace heats a boiler to provide hot water heat. It was operating at the time.

Thank you,

William W. Wood, Investigator
Investigations Unit
Mt. Dept. of Labor & Industry
301 S. Park Ave.
P.O. Box 200514
Helena, Mt. 59620-0514

Office: 406) 841-2035

Report of Inspection

at the request of

The Private Alternative Adolescent Residential Program

Program: Ranch for Kids
PO Box 790
Eureka MT 59917

Inspector: William W. Wood
T.J. Hunt

Date of Inspection: June 28, 2016

Date of Report: July 14, 2016

Site Inspection:

1.
Y N
☒ ☒ Plan of operation as described in application fits with the appearance of the operation as laid out during walk through.
- Comments: The Ranch for Kids (RFK) is a home for at risk adopted children (mainly international) who are having difficulty transitioning into their new adopted families and culture. There are no certified trained therapists or counselors on staff at the Ranch, all therapy services are contracted for separately by the parents with local therapist. The old Rexford School is under lease by RFK for the program facility. Housing is also contained within the school building.
2.
☒ ☐ The number of program participants is consistent with information submitted with application and provided by Administrator.
- Comments: The current number is children is 26 (50% male & 50% female).
3.
☐ ☒ Premise does not contain an area that could be used for corporal punishment, isolation or the ability to inflict physical pain as a disciplinary measure.
- Comments: Area does not exist. This information was confirmed through staff and participant interviews.
4.
☒ ☐ Buildings are equipped with fire extinguishers, emergency exits plans and smoke detectors that are placed conspicuously.
- Comments: Fire extinguishers, emergency exit plans, smoke detectors, fire sprinkler systems, panic hardware and pull fire alarms were present.
5.
☒ ☒ Any noted deficiencies in most recent Deputy State Fire Marshalls report have been addressed.

Comments: The last inspection by the State Fire Marshall was two years ago. Advised to contact State Fire Marshall for inspection.

6.

☐

Program facilities are free from any major notable safety hazards or defects.

Comments: No issues noted in the Rexford School building.

7.

☐

If program is required to have periodic water quality testing and septic maintenance, verify these inspections are current.

Comments: All Current.

8.

☐

Facility contains an adequately supplied first aid kit which is maintained and in good working order.

Comments: Fist aid kits viewed at the Rexford School and appeared in good working order.

9.

☐

Area medications are stored is a controlled area with limited access.

Comments: Medications are dispensed by house parent and contained in locked cabinet at the Rexford School.

10.

☐

Food preparation and serving areas are adequate to ensure nutritional needs of participants are met.

Comments: All areas appeared adequate.

11.

☐

Food preparation areas are operated in a clean and safe manner with all equipment, storage and serving tools in good working order.

Comments: All areas appeared clean. Equipment and tools seemed in good working order.

12.

☐

Vehicles used to transport participants and staff has emergency information contained in the vehicle. (Name, address, telephone of program and emergency phone numbers)

Comments: Emergency information is not contained in the vehicles used for transport. Explanation was given that the information is available to medical facilities electronically at any given time. Also that medical releases are on file at the local medical facility. Staff cited HIPPA concerns in having the emergency information left in the vehicles.

13.



Verified if any newly constructed buildings or remodeling has been done with the last 18-24 months. If so, determine if building, plumbing and electrical permits were received and proper inspections done upon completion of project.

Comments: No new construction has occurred.

Administrator Interview:

1.

Y

N

☒☐

Administrator explained policy for contraband check, including the circumstances in which searches will be conducted and the training of staff conducting search.

Comments:

Mr. Sutley explained staff member, Kathryn Volsky, is in charge of conducting searches for contraband of the children. All of the belongings are gone through at the time they arrive.

2.

☐☒

Reviewed with Administrator at least two personnel files of employee's to verify background checks are on file and fingerprint checks have been performed.

Comments:

Copies of the fingerprint cards are present in the files as are the receipts for the fingerprinting.

3.

☒☐

Reviewed with Administrator at least two program participants files to verify they are kept within accordance of programs policy and federal and state laws for privacy.

Comments:

Kept in locked cabinet with limited access.

4.

☒☐

Reviewed with Administrator at least two program participant's files to verify that each has an individual treatment plan in place. (at least one different from above two)

Comments:

No specific therapy notes were contained in the files as therapist maintains that information. No individual treatment plans could be found in the files.

5.

☒☐

Review medication dispensation log to verify that kept up to date including information on missed or refused dosages and medication changes.

Comments:

Medication log was current.

6.

☐ ☒ Verify with Administrator that copies of all professional staff certifications are maintained on the premise.

Comments: Yes. Copies in the personnel files are well as Bill Sutley's yearly Mandt certifications framed on the wall.

Staff Interviews – combined answers of two staff:

1.
Y N
☒ ☐ Staff explained definition of inappropriate and appropriate behaviors of program participants.

Comments: It was explained by staff that a level system is used. The system includes four levels (00, 0, 1, and 2). 3 strikes of inappropriate behavior will move a student down a level. The range is from level 2's with full privileges to level 00.

2.
☒ ☐ Staff explained acceptable and unacceptable responses to inappropriate behaviors as well as acceptable consequences to inappropriate behaviors.

Comments: Students are talked to when they break rules and are given strikes as explained above. Acceptable behavior means that you move up a level and are given more privileges.

3.
☒ ☐ Staff verified training in these areas has occurred and does reoccur at least annually.

Comments:

4.
☒ ☐ Staff verified the purpose of physical labor (not for the sole purpose of punishment).

Comments: They have their level system based on actions and consequences and those in lower levels may have additional chores assigned to them.

5.
☒ ☐ Staff verified necessary food, clothing, bedding, rest, toilet use or bathing facilities are not denied to participants as a form of punishment.

Comments: Food, clothing and other necessities are not withheld from students.

6. ☒ ☐ Staff verified that verbal abuse, ridicule, humiliation, profanity, threats or other forms of degradation are not directed at participants or their families.

Comments: Staff indicated this type of behavior is not tolerated.

7. ☒ ☐ Staff verified denial of visits or communication with parents/guardians does not occur for the sole purpose of punishment (program guidelines, activities, plans or court orders may require short periods where communication cannot occur).

Comments: Staff explained communication not withheld for punishment.

8. ☒ ☐ Locked confinements or placing participants in a locked room for non therapeutic purposes are not used.

Comments: Not used.

9. ☒ ☐ The administration of medication for disciplinary purposes, the convenience of staff or as a substitute for treatment services in not done.

Comments: Staff verified medication is only dispensed as prescribed.

10. ☒ ☐ Staff verified all punishment given to a participant is done with at least two staff members present.

Comments: No physical punishment occurs. Punishments are by loss of privileges through the level system.

11. ☒ ☐ Physical or mental suffering including pain to force compliance does not occur.

Comments: Staff verified this does not occur, again the programs approach is a hands-off.

12. ☒ ☐ The use of passive restraint is explained and falls within the program rules (only used in a situation when an imminent threat to the participant, staff or others and only by trained staff – CPI and MANDT).

Comments: Staff is trained in MANDT, Mr. Sutley is a certified MANDT trainer.

13.

☒☐

Staff explained use of short term time out for behavior modification methods employed at the facility.

Comments: Staff explained short term time is utilized at times and is also requested by students at times.

14.

☒☐

Staff explained procedures for handling emergency situations such as suicide threat/attempt, assault or runaway.

Comments: Emergency numbers are posted.

Participant Interviews – combined answers of two participants

1.

Y

N

☒☐

Participant explained how staff deals with inappropriate and appropriate behaviors of program participants.

Comments: The students confirmed that they will talk to them about not following the rules or they may drop a level depending on how severe it is. For appropriate behaviors they will increase levels and get more privileges.

2. ☒ ☐ Participant acknowledges have access to routine and emergency medical services as needed, including mental health services.

Comments: Mental health services are available.

3. ☒ ☐ Verified participant received handbook outlining expectations and acceptable standards of the program.

Comments: Both students were aware of the handbook.

4. ☒ ☐ Participant verified the purpose of physical labor (not for the sole purpose of punishment).

Comments: Students indicated they are involved in community service work and other projects.

5. ☒ ☐ Participant verified necessary food, clothing, bedding, rest, toilet use or bathing facilities are not denied to participants as a form of punishment.

Comments:

6. ☒ ☐ Participant verified that verbal abuse, ridicule, humiliation, profanity, threats or other forms of degradation are not directed at participants or their families.

Comments:

7. ☒ ☐ Participant verified denial of visits or communication with parents/guardians does not occur for the sole purpose of punishment (program guidelines, activities, plans or court orders may require short periods where communication cannot occur).

Comments:

8. ☐ ☒ Locked confinements or placing participants in a locked room for non therapeutic purposes are not used.

Comments: Does not happen.

9.



The administration of medication for disciplinary purposes, the convenience of staff or as a substitute for treatment services is not done.

Comments: Does not happen.

10.



Participant verified all punishment given to a participant is done with at least two staff members present. Determine if corporal punishment is used.

Comments: Physical punishment does not occur. Level meetings occur with all staff and students present.

11.



Physical or mental suffering including pain to force compliance does not occur.

Comments: Does not happen.

12.



The use of passive restraint is explained and falls within the program rules (only used in a situation when an imminent threat to the participant, staff or others and only by trained staff – CPI and MANDT).

Comments: Staff only uses passive restraint when necessary.

13.



Participant explained use of short term time out for behavior modification methods employed at the facility.

Comments: Students are segregated in the gym for short term time out.

Report of Inspection

at the request of

The Private Alternative Adolescent Residential Program

Program: Summit Preparatory School
1605 Danielson Rd.
Kalispell, Mt. 59901
(406) 758-8100

Inspector: William W. Wood
T. J. Hunt

Date of Inspection: June 27, 2016

Date of Report: July 14, 2016

Site Inspection:

1.

Y

N

☒☒

Plan of operation as described in application fits with the appearance of the operation as laid out during walk through.

Comments:

Therefore, the following is a narrative of the basic operation as explained to the Inspectors at the time of the inspection.

Summit is a co-ed college preparatory school that is residential based with a focus on therapy and academics. Each student is assigned to a treatment team which consists of a masters level therapist, certified teacher, house parent and direct care staff. The school at Summit is accredited by OPI. The school is a 12 month school to allow students who may have fallen behind catch up in their academic studies. The average stay is 15 months and the students range in age from 14 to 19.

2.

☒☐

The number of program participants is consistent with information submitted with application and provided by Administrator.

Comments:

The current number of children is 59 to 60.

3.

☐☒

Premise does not contain an area that could be used for corporal punishment, isolation or the ability to inflict physical pain as a disciplinary measure.

Comments:

No area was viewed. This information was confirmed through staff and participant interviews.

4.

☒☐

Buildings are equipped with fire extinguishers, emergency exits plans and smoke detectors that are placed conspicuously.

Comments:

Fire extinguishers, emergency exit plans, and smoke detectors were present in all buildings. In addition fire sprinkler systems, panic hardware and pull fire alarms were present in certain buildings.

5.

☒☐

Any noted deficiencies in most recent Deputy Fire Marshall report have been addressed.

Comments: The Deputy State Fire Marshall has performed an inspection approximately a year prior.

6.

☐☒

Program facilities are free from any major notable safety hazards or defects.

Comments: No noted hazards or defects.

7.

☒☐

If program is required to have periodic water quality testing and septic maintenance, verify these inspections are current.

Comments: They have their own water system and have to comply with requirements and are tested monthly.

8.

☒☐

Facility contains an adequately supplied first aid kit which is maintained and in good working order.

Comments: A licensed nurse is on staff at the facility approximately 30 hours per week. First aid kit in main building, each dorm, and all vehicles. All staff are CPR/First Aid or Wilderness First Aid. Summit has an indoor pool and several staff are Red Cross trained lifeguards

9.

☒☐

Area medications are stored in a controlled area with limited access.

Comments: Medications are dispensed by dormitory staff.

10.

☒☐

Food preparation and serving areas are adequate to ensure nutritional needs of participants are met.

Comments: All areas appeared adequate.

11.

☒☐

Food preparation areas are operated in a clean and safe manner with all equipment, storage and serving tools in good working order.

Comments: All areas appeared clean. Equipment and tools seemed in good working order.

12.

☐

Vehicles used to transport participants and staff has emergency information contained in the vehicle. (Name, address, telephone of program and emergency phone numbers)

Comments: Emergency information is contained in the vehicles.

13.

☐

Verified if any newly constructed buildings or remodeling has been done with the last 18-24 months. If so, determine if building, plumbing and electrical permits were received and proper inspections done upon completion of project.

Comments: No recent construction.

☐

Administrator Interview:

1.

Y

N

☒☐

Administrator explained policy for contraband check, including the circumstances in which searches will be conducted and the training of staff conducting search.

Comments:

New student's belongings are checked. They are kept in the staff office in the dormitory where they are inspected by two staff members. New students are also drug tested.

2.

☒☐

Reviewed with Administrator at least two personnel files of employee's to verify background checks are on file and fingerprint checks have been performed.

Comments:

No evidence of background checks was found in the personnel files. Administration advised they have been conducting their background checks through ADT and commented a problem they have with the current PAARP system of background checking is they send in the fingerprint cards but never receive any response from PAARP whether the background check was received or whether it was a satisfactory check. A letter from PAARP advising the check was received and non-adverse would be a welcome change to the current system.

3.

☒☐

Reviewed with Administrator at least two program participant's files to verify they are kept within accordance of programs policy and federal and state laws for privacy.

Comments:

Kept in locked cabinet with limited access.

4.

☒☐

Reviewed with Administrator at least two program participant's files to verify that each has an individual treatment plan in place. (at least one different from above two)

Comments:

Individual plans and therapy notes were contained in the files and/or computer.

5.

☒☐

Review medication dispensation log to verify that kept up to date including information on missed or refused dosages and medication changes.

Comments: Medication log was current.

6.



Verify with Administrator that copies of all professional staff certifications are maintained on the premise.

Comments: Professional staff certifications contained in the files Inspectors examined.

Staff Interviews – combined answers of two staff:

1.

Y

N



Staff explained definition of inappropriate and appropriate behaviors of program participants.

Comments: Inappropriate behavior was explained as not following the rules or not completing school work or therapy as assigned. While working within the rules and guidelines of the program was appropriate. Staff explained program is relationship based.

2.



Staff explained acceptable and unacceptable responses to inappropriate behaviors as well as acceptable consequences to inappropriate behaviors.

Comments: Depends on the situation, something minor may just require speaking with the student. Treatment teams may get involved in more serious issues and students may be assigned work crew.

3.



Staff verified training in these areas has occurred and does reoccur at least annually.

Comments: Staff training is on-going, including AEGIS and CPI, Wilderness First Aid (WFR & WFA).

4.



Staff verified the purpose of physical labor (not for the sole purpose of punishment).

Comments: Staff indicated that physical labor for breaking rules is part of being a citizen in the community, however labor is to be a benefit to the house.

5. ☒ ☐ Staff verified necessary food, clothing, bedding, rest, toilet use or bathing facilities are not denied to participants as a form of punishment.

Comments: Food, clothing and other necessities are not withheld from students.

6. ☒ ☐ Staff verified that verbal abuse, ridicule, humiliation, profanity, threats or other forms of degradation are not directed at participants or their families.

Comments: Staff indicated this type of behavior is not tolerated.

7. ☒ ☐ Staff verified denial of visits or communication with parents/guardians does not occur for the sole purpose of punishment (program guidelines, activities, plans or court orders may require short periods where communication cannot occur).

Comments: Staff explained communication not withheld for punishment

8. ☒ ☐ Locked confinements or placing participants in a locked room for non therapeutic purposes are not used.

Comments: Not used

9. ☒ ☐ The administration of medication for disciplinary purposes, the convenience of staff or as a substitute for treatment services in not done.

Comments: Staff verified medication is only dispensed as prescribed.

10. ☒ ☐ Staff verified all punishment given to a participant is done with at least two staff members present.

Comments: No physical punishment occurs. Punishments are by loss of privileges through the level system.

11. ☒ ☐ Physical or mental suffering including pain to force compliance does not occur.

Comments: Staff verified this does not occur.

12.

☐

The use of passive restraint is explained and falls within the program rules (only used in a situation when an imminent threat to the participant, staff or others and only by trained staff – CPI and MANDT).

Comments: Staff is trained in AEGIS & CPI.

13.

☐

Staff explained use of short term time out for behavior modification methods employed at the facility.

Comments: short term timeouts are not regularly used by the program unless requested by the student.

14.

☐

Staff explained procedures for handling emergency situations such as suicide threat/attempt, assault or runaway.

Comments: Procedures include suicide watch and runaway watch, also appropriate local authorities are contacted as needed.

Participant Interviews – combined answers of two participants

1.

Y

N

☐

Participant explained how staff deals with inappropriate and appropriate behaviors of program participants.

Comments: The students confirmed warning for minor issues and requirements to do extra chores (work crew). Stages 1-4, higher allows for more privileges such as going off campus and the clubhouse (room to hang out in by the gym). Students may be restricted from other students if being a negative influence.

2.

☐

Participant acknowledges have access to routine and emergency medical services as needed, including mental health services.

Comments: Both students agreed service are available.

3.



Verified participant received handbook outlining expectations and acceptable standards of the program.

Comments:



Participant verified the purpose of physical labor (not for the sole purpose of punishment).

Comments:



Participant verified necessary food, clothing, bedding, rest, toilet use or bathing facilities are not denied to participants as a form of punishment.

Comments:



Participant verified that verbal abuse, ridicule, humiliation, profanity, threats or other forms of degradation are not directed at participants or their families.

Comments:

Y N

☒☐

Participant verified denial of visits or communication with parents/guardians does not occur for the sole purpose of punishment (program guidelines, activities, plans or court orders may require short periods where communication cannot occur).

Comments:

☒☐

Locked confinements or placing participants in a locked room for non therapeutic purposes are not used.

Comments:

☒☐

The administration of medication for disciplinary purposes, the convenience of staff or as a substitute for treatment services in not done.

Comments:

☐☐

Participant verified all punishment given to a participant is done with at least two staff members present. Determine if corporal punishment is used.

Comments:

☒☐

Physical or mental suffering including pain to force compliance does not occur.

Comments:

☒☐

The use of passive restraint is explained and falls within the program rules (only used in a situation when an imminent threat to the participant, staff or others and only by trained staff – CPI and MANDT).

Comments: Neither student had witnessed or experienced any incident requiring the use of
restraint.

Y



N



Participant explained use of short term time out for behavior modification methods
employed at the facility.

Comments: Is not a method employed.

Report of Inspection

at the request of

The Private Alternative Adolescent Residential Program

Program: Wood Creek Academy
76 Tanager Lane
Thompson Falls MT

Inspector: Amber Carpenter
William W. Wood

Date of Inspection: May 18, 2016

Site Inspection:

1.

Y

N



Plan of operation as described in application fits with the appearance of the operation as laid out during walk through.

Comments: 12 month residential program for boys. No changes to operation.

2.



The number of program participants is consistent with information submitted with application and provided by Administrator.

Comments: 17 students are in residence at this time.

3.

☐☒

Premise does not contain an area that could be used for corporal punishment, isolation or the ability to inflict physical pain as a disciplinary measure.

Comments: No area was viewed. This information was confirmed through staff and participant interviews.

4.

☒☐

Buildings are equipped with fire extinguishers, emergency exits plans and smoke detectors that are placed conspicuously.

Comments: Fire extinguishers and smoke detectors where present in both houses.

5.

☒☐

Any noted deficiencies in most recent Deputy State Fire Marshalls report have been addressed.

Comments: None.

6.

☒☐

Program facilities are free from any major notable safety hazards or defects.

Comments: No major hazards noted.

7.

☒☐

If program is required to have periodic water quality testing and septic maintenance, verify these inspections are current.

Comments: Septic system pumped annually.

8.

☒☐

Facility contains an adequately supplied first aid kit which is maintained and in good working order.

Comments: First aid kit in staff office.

9.

☒☐

Area medications are stored in a controlled area with limited access.

Comments: Medications are kept in locked staff room. Access to this room is limited to certain staff.

10.

☒

Food preparation and serving areas are adequate to ensure nutritional needs of participants are met.

Comments: All areas appeared adequate.

11.

☒☐

Food preparation areas are operated in a clean and safe manner with all equipment, storage and serving tools in good working order.

Comments:

12.

☒☐

Vehicles used to transport participants and staff has emergency information contained in the vehicle. (Name, address, telephone of program and emergency phone numbers)

Comments:

13.

☐☒

Verified if any newly constructed buildings or remodeling has been done with the last 18-24 months. If so, determine if building, plumbing and electrical permits were received and proper inspections done upon completion of project.

Comments:

Administrator Interview:

1.

Y

N

☒☐

Administrator explained policy for contraband check, including the circumstances in which searches will be conducted and the training of staff conducting search.

Comments:

2.

☒☐

Reviewed with Administrator at least two personnel files of employee's to verify background checks are on file and fingerprint checks have been performed.

Comments: Everything appeared to be in order.

3.

☒ ☐

Reviewed with Administrator at least two program participants files to verify they are kept within accordance of programs policy and federal and state laws for privacy.

Comments: Kept in administrative offices, limited access.

4.

☒ ☐

Reviewed with Administrator at least two program participant's files to verify that each has an individual treatment plan in place. (at least one different from above two)

Comments: Individual plans and therapy notes were contained in the files.

5.

☒ ☐

Review medication dispensation log to verify that kept up to date including information on missed or refused dosages and medication changes.

Comments: Medication log was current.

6.

☒ ☐

Verify with Administrator that copies of all professional staff certifications are maintained on the premise.

Comments: Professional staff certifications contained in the files Inspectors examined.

Staff Interviews – only one staff member available for interview:

1.

Y N

☒ ☐

Staff explained definition of inappropriate and appropriate behaviors of program participants.

Comments:

2. ☒ ☐ Staff explained acceptable and unacceptable responses to inappropriate behaviors as well as acceptable consequences to inappropriate behaviors.

Comments: Rewards for working their program include greater trust and privileges, there is level system.

3. ☒ ☐ Staff verified training in these areas has occurred and does reoccur at least annually.

Comments: Staff is provided with a packet of goals and rules of the program. All staff CPR trained and get on the job training for specific issues.

4. ☒ ☐ Staff verified the purpose of physical labor (not for the sole purpose of punishment).

Comments: Staff indicated that students do perform physical labor but that the purpose is for therapeutic purposes.

5. ☒ ☐ Staff verified necessary food, clothing, bedding, rest, toilet use or bathing facilities are not denied to participants as a form of punishment.

Comments:

6. ☒ ☐ Staff verified that verbal abuse, ridicule, humiliation, profanity, threats or other forms of degradation are not directed at participants or their families.

Comments:

7. ☒ ☐ Staff verified denial of visits or communication with parents/guardians does not occur for the sole purpose of punishment (program guidelines, activities, plans or court orders may require short periods where communication cannot occur).

Comments:

8. ☒ ☐ Locked confinements or placing participants in a locked room for non therapeutic purposes are not used.

Comments: Not used.

9.

☐

The administration of medication for disciplinary purposes, the convenience of staff or as a substitute for treatment services is not done.

Comments: Staff verified medication is only dispensed as prescribed.

10.

☐

Staff verified all punishment given to a participant is done with at least two staff members present.

Comments: No physical punishment occurs.

11.

☐

Physical or mental suffering including pain to force compliance does not occur.

Comments: Staff verified this does not occur.

12.

☐

The use of passive restraint is explained and falls within the program rules (only used in a situation when an imminent threat to the participant, staff or others and only by trained staff – CPI and MANDT).

Comments:

13.

☐

Staff explained use of short term time out for behavior modification methods employed at the facility.

Comments:

14.

☐

Staff explained procedures for handling emergency situations such as suicide threat/attempt, assault or runaway.

Comments: Emergency numbers are posted.

Participant Interviews – combined answers of two participants

1.

Y

N

☒☐

Participant explained how staff deals with inappropriate and appropriate behaviors of program participants.

Comments:

Have a level system that is affected positively or negatively based on behavior.

2.

☒☐

Participant acknowledges have access to routine and emergent medical services as needed, including mental health services.

Comments:

Yes, see therapist and have seen others taken to doctor as needed.

3.

☒☐

Verified participant received handbook outlining expectations and acceptable standards of the program.

Comments:

It is called a "resident manual" and everyone gets one when they arrive.

4.

☒☐

Participant verified the purpose of physical labor (not for the sole purpose of punishment).

Comments:

5.

☒☐

Participant verified necessary food, clothing, bedding, rest, toilet use or bathing facilities are not denied to participants as a form of punishment.

Comments:

6.

☒☐

Participant verified that verbal abuse, ridicule, humiliation, profanity, threats or other forms of degradation are not directed at participants or their families.

Comments:

Both stated it is not normal for staff to lose their patience.

7. ☒ ☐ Participant verified denial of visits or communication with parents/guardians does not occur for the sole purpose of punishment (program guidelines, activities, plans or court orders may require short periods where communication cannot occur).

Comments:

8. ☒ ☐ Locked confinements or placing participants in a locked room for non therapeutic purposes are not used.

Comments: Nothing like that exists.

9. ☒ ☐ The administration of medication for disciplinary purposes, the convenience of staff or as a substitute for treatment services in not done.

Comments: Use level system.

10. ☒ ☒ Participant verified all punishment given to a participant is done with at least two staff members present. Determine if corporal punishment is used.

Comments:

11. ☒ ☐ Physical or mental suffering including pain to force compliance does not occur.

Comments:

12. ☒ ☐ The use of passive restraint is explained and falls within the program rules (only used in a situation when an imminent threat to the participant, staff or others and only by trained staff – CPI and MANDT).

Comments:

13. ☒ ☐ Participant explained use of short term time out for behavior modification methods employed at the facility.

Comments:

Report of Inspection

at the request of

The Private Alternative Adolescent Residential Program

Program: Reflections Academy
171 Harlow Rd.
Thompson Falls, Mt. 59873

Inspector(s): William W. Wood
T.J. Hunt

Date of Inspection: August 29, 2016

Date of Report: August 31, 2016

Site Inspection:

1.

Y

N

☒☐

Plan of operation as described in application fits with the appearance of the operation as laid out during walk through.

Comments:

Reflections is a new application that required an initial inspection prior to opening for business.

2.

☒☐

The number of program participants is consistent with information submitted with application and provided by Administrator.

Comments:

Michele Manning, Administrator, advised Reflections will be a girl's only program of 9 to 10 girls initially, with room for expansion.

3.

☐☒

Premise does not contain an area that could be used for corporal punishment, isolation or the ability to inflict physical pain as a disciplinary measure.

Comments:

No area was viewed.

4.

☒☐

Buildings are equipped with fire extinguishers, emergency exits plans and smoke detectors that are placed conspicuously.

Comments:

The building contained smoke detectors, fire extinguishers, and emergency exit plans. The upstairs balcony had an emergency ladder present approved by the Deputy State Fire Marshal.

5.

☒☒

Any noted deficiencies in most recent Deputy State Fire Marshalls report have been addressed.

Comments:

Dawn Drollinger, Deputy State Fire Marshall has recently conducted an inspection.

6.

☒☐

Program facilities are free from any major notable safety hazards or defects.

Comments:

None observed

7.

☒ ☐

If program is required to have periodic water quality testing and septic maintenance, verify these inspections are current.

Comments:

8.

☒ ☐

Facility contains an adequately supplied first aid kit which is maintained and in good working order.

Comments:

9.

☒ ☐

Area medications are stored in a controlled area with limited access.

Comments: Medications will be in a locked cabinet inside a locked closet with a medication log present. The cabinet and log were shown to inspectors.

10.

☒ ☐

Food preparation and serving areas are adequate to ensure nutritional needs of participants are met.

Comments: All areas appeared adequate.

11.

☒ ☐

Food preparation areas are operated in a clean and safe manner with all equipment, storage and serving tools in good working order.

Comments: Facility was still being brought up to operating level but the large food prep area appeared to be sufficient and contained necessary food storage and equipment.

12.

☒ ☐

Vehicles used to transport participants and staff has emergency information contained in the vehicle. (Name, address, telephone of program and emergency phone numbers)

Comments: Inspectors verified through interview with the administrator a "jump kit" containing emergency information and releases will be available during any transport of participants.

13.



Verified if any newly constructed buildings or remodeling has been done with the last 18-24 months. If so, determine if building, plumbing and electrical permits were received and proper inspections done upon completion of project.

Comments:

Some minor renovations are currently being performed. The Building Codes Inspector has recently visited the facility and performed an inspection.

Administrator Interview:

1.

Y

N

☒☐

Administrator explained policy for contraband check, including the circumstances in which searches will be conducted and the training of staff conducting search.

Comments:

A policy and procedure handbook has been completed and provided with the application. Inspectors also examined the book on site.

2.

☒☐

Reviewed with Administrator at least two personnel files of employee's to verify background checks are on file and fingerprint checks have been performed.

Comments:

As this is a new application Administrator, Michele Manning, advised there are no staff at this time. She advised fingerprint cards have been completed for proposed staff members and will be sent for record checks.

3.

☒☐

Reviewed with Administrator at least two program participant's files to verify they are kept within accordance of programs policy and federal and state laws for privacy.

Comments:

There are no participants at this time.

4.

☒☐

Reviewed with Administrator at least two program participant's files to verify that each has an individual treatment plan in place. (at least one different from above two)

Comments:

There are no participants at this time.

5.

☒☐

Review medication dispensation log to verify that kept up to date including information on missed or refused dosages and medication changes.

Comments:

Medication log is not in use at this time – awaiting participants.

6.



Verify with Administrator that copies of all professional staff certifications are maintained on the premise.

Comments: Training will be provided once staff has been employed.

Staff Interviews – combined answers of two staff:

There are no staff at this time – awaiting licensure.

Participant Interviews – combined answers of two participants

There are no participants at this time – awaiting licensure.

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Report of Inspection

at the request of

The Private Alternative Adolescent Residential Program

Program: Sparrow's Nest of Northwest Montana
P.O. Box 8384
Kalispell, MT 59904
(406) 309-5196

Inspector: William W. Wood
T. J. Hunt

Date of Inspection: June 29, 2016

Date of Report: July 14, 2016

Site Inspection:

1.

Y

N

☒☐

Plan of operation as described in application fits with the appearance of the operation as laid out during walk through.

Comments:

Sparrow's Nest is a new application and this was an initial inspection. Due to time constraints, the plan of operation was not viewed prior to the inspection. Therefore, the following is a narrative of the basic operation as explained to the Inspectors at the time of the inspection.

Sparrow's nest is a non-profit facility with the purpose of housing and providing resources to homeless high school students who want to attend school and graduate. They have two facilities one located in Kalispell (currently under construction) and one in Whitefish which is ready to operate upon approval.

2.

☐☐

The number of program participants is consistent with information submitted with application and provided by Administrator.

Comments:

N/A

3.

☒☐

Premise does not contain an area that could be used for corporal punishment, isolation or the ability to inflict physical pain as a disciplinary measure.

Comments:

4.

☒☐

Buildings are equipped with fire extinguishers, emergency exits plans and smoke detectors that are placed conspicuously.

Comments:

Fire plan and extinguishers were posted. Although it should be noted the fire extinguishers appear not to be commercial grade.

5.

☐☐

Any noted deficiencies in most recent Deputy Fire Marshall report have been addressed.

Comments:

Currently working towards inspection by local fire marshal.

6. ☒ ☐ Program facilities are free from any major notable safety hazards or defects.

Comments:

7. ☒ ☐ If program is required to have periodic water quality testing and septic maintenance, verify these inspections are current.

Comments: City water & sewer

8. ☒ ☐ Facility contains an adequately supplied first aid kit which is maintained and in good working order.

Comments:

9. ☐ ☒ Area medications are stored in a controlled area with limited access.

Comments: Although no youth are currently being housed, the program did not have a specific plan for storing and administering medications. Written policy and procedure is recommended. Staff was agreeable this needs to be addressed and will be in compliance with rules.

10. ☒ ☐ Food preparation and serving areas are adequate to ensure nutritional needs of participants are met.

Comments:

11. ☒ ☐ Food preparation areas are operated in a clean and safe manner with all equipment, storage and serving tools in good working order.

Comments:

12. ☐ ☐ Vehicles used to transport participants and staff has emergency information contained in the vehicle. (Name, address, telephone of program and emergency phone numbers)

Comments: Currently no vehicle but staff advised one may be donated in the future.

13.



Verified if any newly constructed buildings or remodeling has been done with the last 18-24 months. If so, determine if building, plumbing and electrical permits were received and proper inspections done upon completion of project.

Comments: Inspectors walked through Kalispell facility and confirmed it is not housing youth. Staff advised all necessary permits will be obtained.

Note: During the site visit of the Whitefish facility, it was indicated that both male and female youth will be housed on the same floor (2nd). Staff advised they would be putting security cameras upstairs as well having staff members present in the facility 24 hours a day.

Administrator Interview:

1.

Y

N

☐☒

Administrator explained policy for contraband check, including the circumstances in which searches will be conducted and the training of staff conducting search.

Comments:

Staff discussed they have a procedure for new admittance. However, they did not identify how they will handle daily checks due to the youth leaving for school and programs. Staff indicated they would search youth upon suspicion.

2.

☒☐

Reviewed with Administrator at least two personnel files of employee's to verify background checks are on file and fingerprint checks have been performed.

Comments:

In compliance.

3.

☐☐

Reviewed with Administrator at least two program participant's files to verify they are kept within accordance of programs policy and federal and state laws for privacy.

Comments:

N/A

4.

☐☐

Reviewed with Administrator at least two program participant's files to verify that each has an individual treatment plan in place. (at least one different from above two)

Comments:

N/A

5.

☐☐

Review medication dispensation log to verify that kept up to date including information on missed or refused dosages and medication changes.

Comments:

N/A- See response to question #9 in Site Inspection of this report.

6.

☒☐

Verify with Administrator that copies of all professional staff certifications are maintained on the premise.

Comments:

Staff Interviews – combined answers of two staff:

1.
Y N
☐ ☐ Staff explained definition of inappropriate and appropriate behaviors of program participants.

Comments: N/A

2.
☐ ☐ Staff explained acceptable and unacceptable responses to inappropriate behaviors as well as acceptable consequences to inappropriate behaviors.

Comments: N/A

3.
☒ ☐ Staff verified training in these areas has occurred and does reoccur at least annually.

Comments: Staff working at Whitefish location advised he is trained in CPR/1st aide, disaster preparedness and HELP training through AWARE.

4.
☐ ☐ Staff verified the purpose of physical labor (not for the sole purpose of punishment).

Comments: N/A

5.
☐ ☐ Staff verified necessary food, clothing, bedding, rest, toilet use or bathing facilities are not denied to participants as a form of punishment.

Comments: A walk through of Whitefish facility revealed adequate daily amenities.

6.
☐ ☐ Staff verified that verbal abuse, ridicule, humiliation, profanity, threats or other forms of degradation are not directed at participants or their families.

Comments: N/A

7. ☐ ☐ Staff verified denial of visits or communication with parents/guardians does not occur for the sole purpose of punishment (program guidelines, activities, plans or court orders may require short periods where communication cannot occur).

Comments: N/A

8. ☐ ☐ Locked confinements or placing participants in a locked room for non therapeutic purposes are not used.

Comments: N/A

9. ☐ ☐ The administration of medication for disciplinary purposes, the convenience of staff or as a substitute for treatment services is not done.

Comments: N/A

10. ☐ ☐ Staff verified all punishment given to a participant is done with at least two staff members present.

Comments: N/A

11. ☐ ☐ Physical or mental suffering including pain to force compliance does not occur.

Comments: N/A

12. ☐ ☐ The use of passive restraint is explained and falls within the program rules (only used in a situation when an imminent threat to the participant, staff or others and only by trained staff – CPI and MANDT).

Comments: N/A

13. ☐ ☐ Staff explained use of short term time out for behavior modification methods employed at the facility.

Comments:

14.

☒☐

Staff explained procedures for handling emergency situations such as suicide threat/attempt, assault or runaway.

Comments:

Participant Interviews – combined answers of two participants

****Participant Interviews were unable to be conducted as this was an initial inspection and the facility is not housing youth at this time. ****

1.

Y

N

☐☐

Participant explained how staff deals with inappropriate and appropriate behaviors of program participants.

Comments:

2.

☐☐

Participant acknowledges have access to routine and emergency medical services as needed, including mental health services.

Comments:

3.

☐☐

Verified participant received handbook outlining expectations and acceptable standards of the program.

Comments:

☐☐

Participant verified the purpose of physical labor (not for the sole purpose of punishment).

Comments:

☐☐

Participant verified necessary food, clothing, bedding, rest, toilet use or bathing facilities are not denied to participants as a form of punishment.

Comments: _____

☐ ☐ Participant verified that verbal abuse, ridicule, humiliation, profanity, threats or other forms of degradation are not directed at participants or their families.

Comments _____

Y N
☐ ☐ Participant verified denial of visits or communication with parents/guardians does not occur for the sole purpose of punishment (program guidelines, activities, plans or court orders may require short periods where communication cannot occur).

Comments: _____

☐ ☐ Locked confinements or placing participants in a locked room for non therapeutic purposes are not used.

Comments: _____

☐ ☐ The administration of medication for disciplinary purposes, the convenience of staff or as a substitute for treatment services in not done.

Comments: _____

☐ ☐ Participant verified all punishment given to a participant is done with at least two staff members present. Determine if corporal punishment is used.

Comments: _____

☐ ☐ Physical or mental suffering including pain to force compliance does not occur.

Comments:

☐ ☐ The use of passive restraint is explained and falls within the program rules (only used in a situation when an imminent threat to the participant, staff or others and only by trained staff – CPI and MANDT).

Comments:

☐ ☐ Participant explained use of short term time out for behavior modification methods employed at the facility.

Comments:



